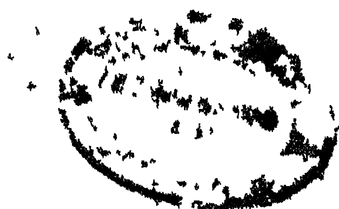




SELECTIONS

FROM

THE WRITINGS & SPEECHES

OF

The late Raja Peary Mohan Mukerjee,

C.S.I., M.A., B.L.

PUBLISHED BY

TARAK NATH MUKERJEA B.Sc., M.L.C.

1924.

Printed by J. C. Ghosh at the Cotton Press
57, Harrison Road, Calcutta.

FOREWORD.

In offering to the educated public this selection from the writings and speeches of my beloved grandfather, the late Raja Peary mohan Mukerjee C.S.I., M.A., B.L., of Uttarpara, I would like to point out that they cast a side light on many questions of public interest extending over a period of nearly half a century. The public activities of Raja Peary Mohan were many and various and the historian of the most important period in the history of Bengal during the earlier portion of British Rule will find things in this collection, which, it is hoped, will be of great value to him in forming his judgments regarding important topics of public interest. The work will also, I am sure, be especially welcome to the many friends and admirers of my grandfather and I shall feel myself amply rewarded if the volume fulfils even in a slight measure any one of the above two purposes which I have in view in the publication of it.

RAJENDRA BHABAN,
UTTARPARA,
March, 1924.

TARAK NATH MUKERJEA.

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BHARAT-RATNA

RAJA PEARY MOHUN MUKERJEE, C.S.I., M.A., B.L.

Born 17th Sept., 1840. *Died 16th January, 1923.*

STUDY OF ANCIENT INDIA.* 1869.

The stigma cast on the people of India as a semi-barbarous people by foreign Christian Missionaries has well nigh died out and the writings of Sir William Jones, Wilson Mux Muller and other Savants and the extensive cultivation of Sanskrit language and literature have dispelled the delusion and given Hindus a high place in the scale of civilised nations. Several Indian institutions and practices which were reckoned as blots in the economic structure of Indian society have enlisted a gradually increasing number of defenders. The division of the people into castes is not now subjected to so intense detraction as before, the practice of infant marriage is held not to be without its advantages and the memorable letter of Raja Sir Radha Kant Deb to Lord Bentinck in defence of the practice of self-immolation of Satis remains up to this time unanswered and unrebutted. In the domain of theology, politics, philosophy, science and art, the achievements of Hindu sages have come to be recognised as unparalleled for their wisdom and excellence.

In the kingdoms and dependencies into which the country was divided the Rulers hardly ever exercised absolute powers. In the decision of important questions they were always assisted by a body of Brahmins whose counsel was rarely disregarded. Even in those early times people were so keen about political rights that the

* A paper read at a meeting of the Uttarpara Club in 1869.

question whether legislative powers should be united in the same person or body of persons who exercised executive powers was put in issue in some deadly battles in which Poroosram, the son of Jamadagni was at the head of the liberal party and the king on the opposite sides. The result was that the legislative power was withdrawn from the hands of the executive and entrusted to Brahmin counselors. The internal administration of the territories displayed a high state of refinement and although the penal laws appeared at first sight to be unnecessarily harsh, one should take into account the condition of society and the conflicting interests of the different sections of the people which those laws were intended to protect. Even at present the punishment is regulated not only by the enormity of an offence but also by the frequency and prevalence of the crime which it is intended to check.

The achievements of the Hindus in the field of theology, philosophy, astronomy, poetry and medicine have elicited the highest encomiums from those who have studied their works. No country can boast of a prouder array of illustrious names than those of Kalidas, Sankaracharjya, Goutam, Churak, Byas and Bhaskaracharjaya.

To a student of the ancient civilisation of India, Egypt and Greece the conclusion is irresistable that these countries had at one time mutual communication with each other. We are assured on the authority of Sir William Jones that the creative, preserving and destructive principles are represented in all of these three countries by three distinct divinities and that the similarity extends even to their names. The study of ancient India

is therefore no less interesting than instructive to the children of the soil. Thanks to the labours of eminent antiquarians a good deal of valuable information has been placed before the public on the subject. Buried tablets have been dug from the bowels of the earth, mouldering pillars have been raised, coins and medals struck in commemoration of important events have been recovered from the sepulchral darkness of three thousand years and the absolute characters engrossed on them have with immense toil been deciphered and explained, but still much remain to be done. Indian gentlemen should take upon themselves the task of exploring the rich mines of Indian antiquity and throw light on subjects which are at present enveloped in darkness and obscurity.

One other subject on which I would invite enquiry is the Geological history of India. We do not know what the condition of India was when more than half of Europe lay submerged in the Atlantic and Arctic Oceans, and the crocodile, the elephant, the tiger, the lion and other denizens of the tropics found a congenial climate in the plains of Siberia and the waters of Obi and Ynesy. But leaving aside pre-historic times we do not know what physical changes India has undergone since it was peopled by human beings. Our information is as scanty as can be regarding the cities and towns which have been entombed in the bowels of the earth by volcanic action, the changes undergone in the courses of the principal rivers and the extent of country which has been submerged by water. To cite a few examples I would refer you to the delta of the Ganges and

Brahmaputra which extends from the Bay of Bengal to Rajmahal in the North and from Midnapur to Dacca in the East and which has been gained over from the domains of the ocean within a comparatively recent period in the earth's history, to the ancient city of Oujni which together with 80 other large towns in the Provinces of Malwa and Bagur were overwhelmed and buried by a shower of earth at the time of Raja Vikramaditya, to the traces of cities with temples and houses sunk in the bowels of the earth in the beautiful valley of Cashmere and to the Rann of Cutch which submerged in the bosom of Indian ocean in consequence of two successive shocks of earthquake. The details of these physical changes might well form the subject of very interesting study and research. The formation of the delta, for instance, which concerns us most involves not only the question of the probable time taken for its formation but also the changes in the temperature of the country and in the habitats of plants and animals which it effected. The quantity of sand and silt carried down annually by the two rivers in every cubic feet of water and spread over the delta and the bottomless pit of the Bay of Bengal has been calculated to be about 6370 millions of cubic feet every year. As the process continues even to the present day the level of the delta would have been much higher had it not been for the fact that there is an annual subsidence of about 4 inches by volcanic actions. The temperature of the whole of north eastern part of India has so much increased that there is indubitable evidence to show that the glaciers of the Himalaya descend

now several thousands feet less than the height to which they descended before. The subject is one full of engrossing interest. It can not fail to claim from every educated Indian that study and research without which every enquiry regarding the history of ancient India must be necessarily defective.

INDIGENOUS DRUGS.* 1870.

SIR,

One of the most glaring anomalies in modern civilization is the extreme diversity both in theory and practice which prevails in the domain of medicine. One should have supposed that the progress made in Biology, Physiology, Chemistry, Botany and other auxiliary sciences had left little room for schism and bigotry, and placed medical science on a catholic, if not on an exact, basis. But the differences which exist among medical men with regard to the dynamics of medicinal drugs and even with reference to the dynamics of diseases show not only a contrary and a most deplorable state of things, but they create in the minds of the lay public a helpless state of uncertainty as to the choice of their medical attendants, the evil consequences of which can not be overstated. Thanks, however, to the enlightened zeal of its cultivators medical science is being built on a rational foundation, by discarding the results of imperfect observations and of isolated statistics and recognising the scientific value of all correct generalisations which made by Hippocrates or Galen, Sushruta or Lokman. Your attempt, sir, at an edition with an English version of Charaka has justly been regarded as an earnest of eminent services in the cause of Medical Science, and nothing could be more desired in the present state of the science than that your example might be followed by others who have taken upon

* A letter published in the Calcutta Medical Journal in 1870.

themselves the charge of the health and lives of their fellow-creatures.

The recommendation by Government for a more extensive use than heretofore of native drugs in the public charitable Dispensaries is therefore a step in the right direction. It will generate a spirit of research in a field which, but for the labours of Wise and O'shanghnessy, had been hitherto left almost wholly untrodden, and if the suggestion be acted upon in right earnest by those for whom it is intended, it will be productive of the best results to the country. Much light might be obtained in this direction from the ancient Sanskrit works on medicine, and although some of the sciences on which medicine is dependent are the creations of modern times and had no existence at the time those works were written, yet few will deny the depth of thought, the extent of research, the acuteness of reasoning and soundness of deductive generalisations which characterise in an eminent decree our ancient works on materea medica and therapeutics. Hindu medicine has, however, lost half its value on account of the want of encouragement which it has latterly met, the consequent neglect into which it has fallen, and the ignorance of its professors. The very names of a large number of its drugs have become unintelligible to the physicians and the difficulty of identifying those names with living plants and minerals are daily becoming greater and will ere long be insurmountable. The well-known anecdote of a Kaviraj administering to his patient a decoction made of the fairings of cow's hoof in place of gokshura (Tribulus Lanuginosus) prescribed in

the Sanskrit text shows the extent to which our ancient medical learning has degenerated, and the dangers to which such degeneration might lead.

The gradual decay of Hindu medical science is the more to be deplored as it contains the records of the physiological and pharmacodynamic indications of thousands of drugs with a fulness and precision to which modern science has very little to add, and which will therefore be of the highest value to the medical practitioners of the present day. To explore this rich mine of buried treasure will therefore be not only an interesting but also a most useful undertaking. But the observations and researches made by Charaka, Sushruta and others, however acute and deep, were undoubtedly not exhaustive. Even leaving aside Darwin's Theory of the origin of species and the possibility of a creation of new plants since the days of Sushruta, it is still clear that their field of enquiry could not possibly embrace all the medical drugs which are so abundant in the country. Our object should therefore be not only to identify the plants, animal matters and minerals mentioned in the Hindu works on medicine, but also to test and record the medicinal properties of all such substances that come in our way, and to make as much addition of our materea medica as the ample resources of our country permit.

There is a harmony in every department of nature. The mental organisation of a people harmonies with the physical features of its country, and might we not on the same reasoning assume that the medicinal drugs of a country are specifically curative of the diseases which are generated and fostered in it? Might we not assume

that Indian diseases are best cured by native drugs and not by the violent medicines of the West? Is it not a fact that the Panchapitva pills of the Kavirajas are unrivalled in their efficacy in Indian bilious fevers? This would furnish us with an additional incentive to the enquiry which we are advocating, but in the face of the obvious advantages which that enquiry holds out in other respects, it is unnecessary for us to go upon this debatable ground. We are aware that the undertaking is beset with difficulties on all sides. Professional men and public servants have but little leisure to devote to such an all-engrossing work. It would require the undivided time and attention of at least two or three scientific men fully qualified for the work for a number of years, and the amount of their remuneration, of their travelling charges, and the charges for the purchase of instruments, &c., would come up to a considerable sum. Estimating the monthly expenses of the undertaking at Rupees one thousand, I am willing, and shall be glad, to subscribe Rupees one hundred a month for five years, and I hope that others of my countrymen will come forward with their share of pecuniary aid in support of a movement which while enlisting on its side two of our noblest feelings, love of one's country and sympathy for suffering humanity, will, if successful, be fraught with results all important to the country.

UTTARPARA,

June, 1870.

AGRICULTURE.* 1872

A rude state of agriculture is an anomaly in a country whose wealth consists almost entirely of the produce of its soil. To those accustomed to sights of steam ploughs and vigorous agricultural labour, the wealth of Bengal might not unreasonably appear incompatible with a system of agriculture in which a bare scratching of the soil serves as an apology for the deep furrows of the plough, and in which comparatively little labour and less money are devoted to the whole process of cultivation. But a very slight knowledge of the soil of Bengal, of its fertility and geological characteristics, is enough to show that deep-ploughing and rich-manuring are not only not necessary, but on the contrary injurious to cultivation in this country, and that here the earth might be made to yield abundant harvest much more easily than in less favoured countries. The natural advantages which Bengal possesses in this respect are indeed great, and they require but feeble help from the hand of man to turn them into account. Such help, however, is not always forthcoming. It is true that long observation and experience have put our husbandmen in possession of certain rudimentary principles of cultivation, but it will appear, on a close examination of the subject, that the condition of agriculture in this country is far from what it should be, and that the

* Read at a Meeting of the Bengal Social Science Association in 1872.

causes which have tended to retard its progress are not of a trivial nature.

The supply of sufficient moisture for cultivation is a question of primary importance to the Bengal ryot, but it is well known that the means of irrigation and drainage which are within his reach are extremely defective. Lands which are situated on the banks of perennial streams enjoy advantages in this respect which leave nothing to be desired, but unfortunately the quantity of such lands in this country is comparatively very small, and is annually decreasing in consequence of the gradual silting-up of the minor rivers and *khals* which traverse the country. In several of these rivers the silting-up process has been much accelerated by the short-sighted contrivance adopted by landholders and their tenants for securing water for irrigation, which consists in throwing up cross-dams every year during the rains; so that at present the beds of many rivers in every district remain dry, except for two or three months during the rains, while new swamps and marshes of all dimensions have come into existence in localities which were formerly well cultivated. Even the tanks which had been cut in almost every village and field in times gone by for the sake of profit, charity, or religion, and which supplied not only good drinking water to the villagers, but also water for irrigating the lands in their neighbourhood, have been, in course of time wholly or as good as wholly, filled up and become shallow pools of stagnant water. Religion has, however, lost the hold it once had on the minds of the people; the legislature in its laudable attempt to benefit the ryots has placed them in hostile relations to their

landlords, and contact with western civilisation leads people to devote to the purchase of personal comforts much of the money which in former times would have been spent in works of public utility. With the exception therefore of tracts of country which are comparatively very small, the crops in Bengal are entirely dependent on the fall of rain ; but as the quantity of rain-fall cannot be regulated to meet the exact requirements of cultivation, loss by draught in some years, and by inundation in others, and want of sufficient water in some places, and its superfluity in others, follow as an inevitable consequence.

It is not, however, with regard to irrigation alone that our system of agriculture is defective. The different means and appliances which are availed of by the scientific agriculturist for restoring fertility and vigor to a soil which has been impoverished by cultivation are but imperfectly understood and acted upon by the Bengal peasantry. It is true that a few crops are cultivated by rotation, and that manures are used in the cultivation of sugarcane, potatoes, and other valuable crops, but the ryots are wholly ignorant of the principles which should regulate the rotation of crops and administration of specific manures to particular soils and crops. Nothing proves more clearly their ignorance in this branch of the art than the fact that they recklessly allow substances which are used in other countries as valuable manures to accumulate and rot around their houses to the detriment of their health.

This explains the gradual degeneracy of a crop which has been grown on the same land for several years without calling in the aid of manures or

rotation of crops. An attempt to wring out annually from the soil a certain combination and proportion of elementary bodies in the shape of a particular crop must be necessarily as ineffectual as every other contrivance to cheat nature of her dues, and it is therefore no wonder that crops should fail or yield but scanty produce in the absence of any assignable cause.

It would be vain to look for any desire for the introduction of new crops from those who care so little for the improvement of existing crops. The repugnance to change which characterises the lower classes of the community is a serious obstacle in the way of all improvement ; and it is only in cases in which a foreigner or an intelligent landholder shows, by the results of a few years' cultivation, the evident advantages of the introduction of a new crop that its cultivation is gradually taken up by a number of ryots. Prejudice and superstition work as much mischief in this as in every other direction. Although sugarcane and potatoes have been for a long time cultivated in the districts of Hooghly and Burdwan, and have proved to be the salvation of hundreds of indigent families, and a source of fortune to many more, there are still many families in those districts who would not cultivate any one of these crops in consequence of a superstitious fear that some mishap would certainly befal them if they should deviate from the precise course of work which was followed by their ancestors. Every family has its prescribed crop, and it might be said of one and every crop that it is not cultivated, and will not be cultivated in any emergency by hundreds of families in each district.

The utter helplessness of the Bengal peasantry, in cases of blight, is another serious defect in our system of agriculture. Blights are popularly looked upon as inflictions from Heaven, and a ryot would no more think of checking their course than he would attempt to check the legitimate operation of a physical law. The result of such a course is evident. Crops that have been raised at considerable labor and expense are allowed to be destroyed without a single struggle being made for their preservation, while instances have been known in which a valuable crop, such as the Otaheyte sugarcane in the district of Hooghly, has been suffered to become extinct in consequence of the occurrence of blights in two or three consecutive years.

As a subject directly connected with agriculture, the condition of plough-cattle cannot engage too much of our attention. The rapid degeneracy of cattle has excited alarm in every district of Bengal, and the apprehension which it has created as to the domestic discomforts and agricultural difficulties which may arise at no distant day in consequence of such degeneration appear to be far from unreasonable. It may appear strange that, in a country where the people entertain a superstitious regard for cattle, and treat them with great care and humanity, the condition of cattle should be at all miserable, but the mystery is cleared up when one looks at the ryot's ignorance of the ordinary rules of health and sanitation, and of the necessity of giving a sufficient quantity of grass and fodder to each cattle, of segregating diseased cattle from the healthy, and of the stopping of all cattle traffic with affected districts. The periodical

outbreak of cow-pox and other epizootic diseases among cattle has failed to give the people a warning of the dangers which ensue from the accumulation of dung and filth in and about the sheds where the cattle are housed, although in the epidemic-stricken villages some extenuation for this neglect is no doubt found in the consideration that cattle can hardly claim any attention where the men themselves perish, uncared for by the hundred. But murrains have scarcely done half the mischief which the slaughter of cattle is daily and hourly doing, and the continually increasing demand for butcher's meat in the market might well create apprehensions of an inadequate supply ere long. It is not, however, simply the reduction of the number of cattle by murrains and slaughter, but also their degeneracy which is to be deplored. Owing to various causes, not the least prominent of which is the rise in the value of agricultural produce, and the consequent increase in the rates of rent, almost all the lands, which were formerly used as pasture, have been, in many places, in the course of several years past, gradually brought under cultivation, and the enactment of a law, so far back as 1857, for the establishment of pounds, showed how this unwise and suicidal conduct of the husbandmen had forced the cattle to the necessity of trespassing on cultivated land. The lands that have been thrown out of cultivation, on account of the paucity of labor in the epidemic-stricken districts, do indeed serve the purposes of pasturage, but even there the accidental remedy has stepped in when the evil has been well nigh consummated. The evil effects of these enervating influences might have been in some

measure counteracted, if the breeding of cattle had at all received the attention it deserves. Unhappily, however, not only are no steps taken to procure an intermixture of breeds, but even the long-established usages for securing good breeds of cattle have been recklessly abandoned. A false hankering after utility in this utilitarian age has yoked to the cart the Brahmni bull which, under the sanction of religion, ranges at large, and fattens itself with impunity on whatever food it can help itself to and is thus peculiarly fitted to keep up good breeds of cattle. Stallion bulls have now in most places become a thing of the past, and it is no wonder that cattle should degenerate in these days, when animals worked to the very verge of death in carts and under burdens are their only substitute.

Another circumstance which has temporarily co-operated with the causes described above to keep down agriculture in this country, is the annual outbreak of epidemic fever in Hooghly, Burdwan, and a few other districts, and the diminished supply of agricultural labor caused by its ravages. It is barely possible to give an idea of the misery and destitution to which the people of the fever-stricken villages have been reduced by the deaths of hundreds of persons, who were in many cases the working members of their families, by the expenditure of all they had to save the lives of those whom they held nearest and dearest to their hearts, and by that physical prostration which not even the sturdiest among them has been able to escape. One needs only look to the usurious rates to which interest on loans of money has risen in the mofussil, to the scepticism as regards the value

of remedial agents which has gained possession of the popular mind and to the rare, perhaps hitherto unknown, spectacle of crops rotting in the fields or being destroyed by animals for the very want of the labor and means necessary to reap and store them, in order to form an idea of the wretchedness to which the people have been reduced by the accumulated effects of repeated epidemics. The want of agricultural labor in those districts has been so great that, in addition to the large tracts of land which have become fallow by the utter extinction of families and by amicable arrangements made by ryots with their landlords, more than 2,000 applications for the relinquishment of hereditary holdings have been made to the Collector of Hooghly, within the present month, by ryots residing within a single sub-division of the district. In this emergency, the emigration of laborers from districts which give employment only to a limited number of persons, and in which therefore the wages of labor are low, would have a very salutary effect both on the condition of the laborers, and on the agricultural prospects of the epidemic-stricken districts. But it would be vain to look for any such economic arrangement in a country where people prefer starvation at home to plenty abroad.

The most formidable obstacle in the way of agricultural improvement remains yet to be noticed. In a country where every body, however poor he may be, aspires to the possession of land either as an owner or as a tenant, the condition of agriculture must be inevitably wretched. Every one who is just above the condition of a day-laborer, and who is able by accumulating his daily

savings, or by means of a loan to secure an amount which is simply sufficient to buy a pair of bullocks and a plough, hastens to rent land either direct from the landholder, or to take a sub-lease from his tenants. "Better to have ease than happiness" is a well-known saying among all classes of the native community, and it gives a clue to the general craving for land, the possession of which is supposed to secure to its fortunate holder a certainty of maintaining his family albeit in a homely way, and to protect him from those uncertainties and accidents which are associated with more paying occupations. The effect of such a feeling is conspicuous in the condition of the Bengal peasantry. There are scores of ryots in every village, not one of whom holds more than an acre of land, whilst there are dozens who hold even less, and as a general rule the holdings of the majority of the ryots range from three to six acres only. None of these small holdings consists of a compact piece of land, but generally comprises a number of plots situated in different fields at distances of several hundred yards from one another. Such a state of things renders any economical and comprehensive scheme for irrigation and drainage necessarily impossible, while the loss of time, labor, and money which it causes in the cultivation and supervision of crops may well be imagined. Numerous are the disputes which crop up annually among the ryots regarding the ingress and egress of water to and from the mud enclosures which mark the different plots of their respective holdings, and it is only because most of them are settled by the *gomastah* and the *mundle* of the village that their evil effects have not

yet fully developed. The mischief has increased by the frequent divisions and sub-divisions of holdings by the operation of the law of inheritance. Testamentary dispositions of property are wholly unknown among the ryots, and poor though their possessions be, it would be a great gain to the cause of agriculture, and to the condition of the ryots themselves if every ryot on his death-bed makes some provident arrangement for the future enjoyment of his property, bequeathing, for instance, all his lands to one of his sons, and his personalty to the rest, or one or more entire plots of land to each son. As things obtain, however at present, we find that not only does a ryot's holding consist of several small plots of land separated from each other by long distances, but that, in several cases, two or more co-sharers have a joint tenancy in each and every one of the plots which belonged to some common ancestor. The evils of joint possession increase ten-fold if it extends to the owners of the land, and we find that the same causes which bring about joint-tenancy are also busy in creating and keeping up a similar state of things in the matter of proprietorship. As a matter of fact, not less than half the number of estates in each district are owned by joint-proprietors, and although the evils incident to joint ownership do not develop and manifest themselves in those cases where the management of the property is entrusted to the eldest member, or *kurta*, of the family, the practice of placing implicit reliance in the heads of families with regard to the management of properties is daily losing ground, and the evils of divided management are therefore undergoing a corresponding

increase. Whether it be the collection of rents, the determination of petty disputes concerning drainage and the rights of user affecting pathways and irrigation tanks, the cultivation of fallow lands, the registration of transfers of holdings, or the adjustment and enhancement of rent, the interference in any one or more of these matters of a number of zemindary agents, each acting under a different master, is productive of the utmost confusion, and is detrimental alike to the ryot and the landholder.

The difficulties, therefore, which stand in the way of agricultural reform in Bengal, are so great and so intimately mixed up with the habits, the institutions, and the character of the people, that one may well despair of devising any scheme which would have any chance of success. In districts in which the epidemic fever has done its fell work, and in those in which small holdings and minute divisions of tenures obtain to a large extent, these difficulties are at present practically insurmountable. Recent enquiries have shown that compact pieces of land of good dimensions could not be had by Government in any district, or even in any division, for the purposes of experimental model farms, unless such lands were taken by the operation of law, and it is easy to conceive how very worthless would be the lessons intended to be taught by model farms to those whose holdings rarely exceed ten acres in extent, and are composed in almost all cases of perhaps a dozen distinct plots of land scattered at different distances from one another. It would, moreover, be too much to expect that a class of men so ignorant, improvident, and superstitious as are the ryots of

Bengal can have the will and the means to profit by the results produced with the aid of ample resources under the guidance of scientific men. Model farms are unquestionably very useful institutions in their way, but there must be a body of intelligent and well-to-do persons in the country capable of taking a practical interest in the cause of agriculture before the usefulness of such institutions can be fully appreciated. The first move, therefore, towards agricultural reform should be to create such an interest in the minds of the rich and educated portion of the native community, and it is a matter no less of honor to the Government than it is of congratulation to the country that measures have already been taken for imparting, ere long, to the advanced native students in our colleges, instruction in the principles and practice of agriculture, and in the cognate arts and sciences. Such technical instruction, aided by observation and experiment in model farms, will certainly remove that apathy against agriculture, the result of ignorance, which exists at present in the minds of all who are above the condition of ryots, and who may confidently look forward to the gradual creation of a class of young men of the rich and middle classes of native society, who by their position, resources, and practical knowledge of agriculture, will be able to remove all obstacles which lie in the way of agricultural improvement. Enlightened self-interest will not be slow in showing the benefits which arise from concessions and sacrifices made for the purpose of assisting one's neighbour to square or drain his land, and means will not be wanting for buying up small holdings and converting them into

moderate-sized farms. The prospect is indeed cheering in more than one economical point of view. The poorer classes of ryots will doubtless be deprived of the luxury of calling one or two acres of land their own, but freed from the contingencies of blights, draughts, and inundations, from the heartless exactions of mohajuns, and from the trammels of despotic institutions which render the enjoyment of property a mockery, they will find their social condition much improved by their conversion into paid servants and laborers. Educated young men will find that, although the supply exceeds the demand for labor in the independent professions, and although there is no room even for clerkly employments, they have, in the inexhaustible natural resources of the country, a means for leading them to opulence and renown. A few successful careers, as native farmers, and people will see that one can not be too forward in the wish that technical instruction in different arts and occupations should in some measure supersede literary education, and that agriculture being the question of questions, should engage in a pre-eminent degree the attention of the public.

EMPLOYMENT OF EDUCATED INDIANS.* 1879

The demand for education in this country has gradually increased so enormously, and the earnest endeavours of Government, backed by its liberal, I may say, abundant support, have resulted in so wide a dissemination of it among all classes of the community, that thoughtful men have begun to regard the movement as one of very serious importance, serious for good or for evil. Not only have colleges and schools sprung up in the most remote and unpromising parts of the country, and even rural communities been provided with numberless primary schools and patshalas, but the students who receive education in these institutions are innumerable. The students who go up for the University Entrance examination are a small fraction of those who actually receive the benefits of education in this country; yet it was observed by Sir Henry Sumner Maine a few years ago that, judged by the number of students who competed at the annual examinations and the number who passed examination in degrees, the success of the Calcutta University was unprecedented in the history of university education. This result might well have been anticipated. In a country, where service under the ruling power has been all along looked upon as the only means by which those who are above or below manual labor can earn a livelihood, and perhaps rise to opulence and renown, it is no wonder that people

* A paper read at the Hooghly Institute on June 6th, 1879.

from all sections of the community should have vied with one another to give their boys an education that would serve as a passport to Government service. The inducement grew stronger as the field for the employment of native talent became larger, until at last, as will presently be seen, the supply has greatly exceeded the demand. It was as clerks in public offices that natives, who had learned to read and write English, first got employment under Government. Their sober habits, their blind obedience to superior authority, their love of routine work, and their disgust for bodily movement, all combined to make them most desirable clerks ; while their talent for the manipulation of figures, and their knowledge of a system of arithmetic superior in all respects to the English, at once rendered their services of incalculable value in the department of accounts.

The intelligence of the people, and their extraordinary aptitude to learn whatever was taught them, soon made it clear that they were fitted for more responsible offices. The ignorance of the rulers of the language of the country and of the manners, customs and institutions of the people, also rendered it necessary that the subordinate judicial service should be thrown open to them. The gentlemen who first held office as Moonsiffs must have found it, however, neither a dignified nor a paying appointment. Their own remuneration, the cost of establishment and stationary, depended upon the amount of institution fees, and they themselves were liable to suits for damages and also to criminal prosecutions at the instance of suitors "for oppressive and unwarranted exercise of authority." It was in 1831 that the

aggregate pay of a Moonsiff and his establishment was fixed at Rs. 100 a month, and an allowance of Rs. 10 was sanctioned for stationery. But power however circumscribed, and pay however small and precarious, must have been heartily acceptable to gentlemen who had not to pass through any ordeal whatever in order to enter the judicial service. No examination of candidates for Moonsiffships was instituted till 1840, after which year the Judges, who had the appointment of Moonsiffs in their hands, satisfied themselves that the candidates possessed some knowledge of the laws administered and of the procedure followed in the courts, before they declared them eligible for Moonsiffships. Divisional Committees for the examination of candidates for Moonsiffships were appointed in 1846, and since then the qualification test has not only been greatly raised, but the status of native judicial officers has been placed on a more satisfactory basis, and their marked and tried ability has been recognised with a promptitude and rewarded with a liberality which reflect equal honor on the rulers and the ruled.

Although the progress of educated natives in the Subordinate Executive Service has not been equally remarkable, the services rendered by them in this branch of the public service have not been less important. When in 1833, the Government of Lord W. Bentinck enacted " that natives of respectability should be employed in more important trusts connected with the revenue administration," the Deputy Collectors, then for the first time appointed, were placed in much the same high positions which they enjoy, and were vested

with much the same functions in relation to the executive head of the district which they at present perform. The appointments were from their very creation regarded as prize appointments, and given to the pick of educated natives. In no sphere have Natives shown greater administrative ability, or greater honesty and fidelity in the discharge of high and responsible duties, and in no sphere have their services been of greater value to the state, than in the Subordinate Executive Service.

Along with the progress of the judicial service, and perhaps a few steps in advance of it, the native bar has gradually risen from a singularly insignificant position to one of considerable power and importance in the state. In the early Regulations the Vakeels always appear side by side with the ministerial officers of the Courts, and are nowhere treated with a greater consideration. They were to all intents and purposes regarded as officers of the Courts, and their appointment and dismissal were entirely in the hands of the Judges. They were paid by a narrow scale of fees, and were compelled to refund to their clients fees received by them whenever cases were remanded by a higher Court for retrial. Even their conduct at home was not secure from scrutiny. A Vakeel was liable to be dismissed among other grounds for profligacy in private life, and for taking money or presents in addition to authorised fees. How such a Bar rose to a height of forensic ability which led Sir Barnes Peacock to compare a section of it to the Bar of Westminister Hall, and Sir James Stephen to deplore the anomaly which existed in this country of a bar more learned than

the Bench, is an interesting study, which may well form the subject of a separate paper.

It was not, however, in the arena of the Court-house alone that natives first won their spurs as men who could vie with the people of any other country in feats of intellectual power. The proficiency they acquired in medical science and in the healing art soon after the establishment of the Medical College, is well known. In spite of early and deep-rooted prejudices, numbers of students gradually flocked to master the principles of medicine and the auxiliary sciences; and while they, in later years, scattered the blessings of a progressive science throughout the country, they, at the same time, were, by the very nature of their vocation, the foremost men to dispel prejudice and superstition, and to impress on the mass of their ignorant countrymen the grandeur of the power which science has placed in the hands of the English people.

In later years the theory and practice of Civil Engineering gave scope to the ambition of not a few educated natives, and their success in this has been as brilliant as in any other profession.

The number of natives to whom the education service has given employment is not inconsiderable. Thousands are engaged in the work, but in as much as the province of education is yet but imperfectly defined, and various circumstances have combined in this country to restrict to mere instruction the whole aim and scope of education, it remains yet to be seen whether natives would ever make good teachers. In the long roll, however, of our professors and teachers, and of those engaged in the work of inspection and superin-

tendence, we have men who for learning and erudition would do honor to any country.

Literature as a profession scarcely pays in this country, and it is therefore no wonder that few among those who are able to write, and whose writings are likely to be welcomed as valuable contributions to Anglo-Indian literature, should be induced to devote their time and energy to writing books or editing newspapers. The highest tribute of praise has been paid to the productions of native gentlemen in archæology, travels, law, and even in that most difficult species of composition in a foreign language, the delineation of home-life and character. Some of the contributions to the vernacular literature are no less entitled to the gratitude of the country, but it is certainly no matter for felicitation that neither the demand nor the supply of good works in the vernacular of the country, is at all commensurate with the extent and degree to which the people have reaped the benefits of education.

With the rise and progress of civilised institutions, and the gradual expansion of the different spheres which give remunerative employment to educated men, there has been a more than proportionate extension of the sphere of education. But while there is and must necessarily be a limit to the demand for educated men, the name of those who are candidates for employment as clerks, assistants, accountants, Moonsiffs and Deputy Collectors, and of those who are aspirants for success in the independent professions, is legion. The condition of those unemployed young men who have learned enough English to qualify them for clerkships, and to disqualify them for

everything else, is truly pitiable. What with anxious inquiries about vacancies in public and mercantile offices, what with hankering and solicitations for patronage and recommendations to men in power, what with repeated disappointments and repulses, their life is a life of sore trial and misery. The large number of graduates who have taken degrees in law in the hope of entering the judicial service, or securing for themselves a successful career in the profession, are in no better plight. Gentlemen by education, they keenly feel the loss of time and energy to which they are compelled to submit themselves in the prime of life in a vain search after money, while their countrymen have sometimes the occasion to feel the truth of Sir W. Scott's observation, that " law is like a poison, it is much more easy to use it as a quack does than to learn to apply it like a physician." New graduates in medicine are not in such absolute want of work as new graduates in law. So long as property will be held, as it is held in this country, more valuable than life, there will be no lack of encouragement to young doctors. Persons, who hesitate to employ any but a Vakeel of tried abilities to prosecute or defend a suit for a *biga* of land, will not feel the slightest dread to avail themselves of cheap medical aid. The number of licensed and unlicensed medical practitioners is indeed too large for the good of the country. Sir Henry Sumner Maine was perhaps right when he said, that every new accession of strength to the legal profession gave a healthier tone to society; but there could be but one opinion as to the consequences of having more doctors than are wanted. " In the multitude of

counsel there is safety, but," said Sir Walter Relegh to Queen Elizabeth, " the safety is for the physicians and not for the patient "

The young men who have been thus thrown adrift on society are in most cases the hopes of their families. It is for their education that their parents and guardians have sacrificed the comforts and even the conveniences of life ; it is for them that they have undergone privations which only a Hindu father and a Hindu mother can undergo for the sake of their children ; and it is to them that they looked up not only for the maintenance of their families but also for the realisation of their long-cherished dreams of riches and elevation in the social scale. Too late have they found that those hopes were raised only to be dissipated. Too late has the conviction gained upon them that, if the money which they spent in the education of their boys had been laid by, it might have given them a fair start in life in some industry, trade or occupation, and enabled them to become useful members of their families and of society. The desire of every parent, who can afford the cost, to give a liberal education to his boy, has called into existence a large number of young men, who not only see before them no way whatever to earn a livelihood, but who have imbibed, by training and association, ideas of life and comfort which cannot be realised, whose sense of fancied superiority has produced a perceptible estrangement not only from their ignorant countrymen, but also in their family relations, and in whom the destruction of all religious faith has not only prevented the formation of a definite aim in life, but has robbed life of that element without which, to quote the

dictum of Carlyle, " no man and no nation can be great." This outcome of a reaction in Hindu society which has led people to mock at all distinctions of caste, wealth, and lineage which had enthralled them for centuries, and to compete with one another for ascendancy under the new condition of affairs, was inevitable; but it is nevertheless to be deplored that it has brought about a state of things which is as unhappy as it is remarkable. In no other country perhaps is the system of education similar to that pursued in this. Nowhere else it is the endeavour of every parent to give a thorough liberal education to his boy, and to train him in such a manner as will enable him to fill the highest offices in the state. Even in enlightened England, by far the largest number of boys have never a copy of Shakespere or Milton placed in their hands. So soon as they have learned to read and write, and sometimes before they have acquired that little qualification, they are made to serve apprentice in the industry, trade or occupation which is to be the business of their lives. It is a system of education which recognises the actual wants of society and does not therefore disturb its harmony. They alone receive a liberal education who intend to take a part in the administration of the country, or to enter the ranks of her civil or military service, or to become members of one of the learned professions. In this country, however, the condition of no boy is deemed too low, or his natural parts too unpromising, but that he is expected some day to adorn the Bench of the High Court, or to assist the Viceroy in the deliberations of His Excellency's Council. The sooner we educate

ourselves to a full and thorough comprehension of the present position of affairs the better for us and for our children. More than 200 years ago, when English noblemen were content with making cross-marks in the place of signatures, and when training in arms formed the principal item in the education of the Englishman, Lord Bacon remarked, "It was servants, shepherds, apprentices that were wanted; there were already too many scholars." How much more truly does the remark apply to this country, where the greatest number of unemployed persons belongs to the educated classes. What is most wanted is, that we should have more lowly thoughts, and that we should endeavour to rouse ourselves and rouse our neighbours to take a part in the great work of developing the material resources of the country, and compelling nature and art to yield to industry and intellectual culture the tribute which is denied by man.

The land presents an inexhaustible source of reproductive labor. Our system of agriculture is so rude, the means of irrigation and drainage within the reach of the ryots are so defective, the means and appliances for restoring fertility and vigor to a soil which has been impoverished by cultivation are so imperfectly understood, the ryots have so great a superstitious repugnance to all change, they are so apathetic in the matter of the degeneracy of cattle, and the smallness of their holdings presents an obstacle to all progress, that there is a wide opening for the improvement of agriculture. Nothing will more benefit the country, or more handsomely repay the employment of capital and labor, than efforts made for

the removal of these evils It remains for the educated men to convert the small and scattered holdings, owned by a class of men who live in a state of chronic indebtedness to the Mahajan or the landholder, to moderate-sized farms, and thus not only to solve the problem which legislators have vainly striven to solve, but also to snatch from the grasp of Fortune competence, perhaps also wealth, for themselves and their families.

No less promising is the field of manufacture. The natural resources of the country offer facilities which few countries possess for the manufacture of articles required for daily use and comfort. It is a standing shame to the nation, that our raw produce and stuffs are exported to foreign countries for manufacture and imported back for our consumption. We cannot be too forward to blot it out from our national character. Organised and joint stock operation have done wonders in other countries, and no reason can be assigned why they should not be equally successful in this.

A large section of our community is connected with our inland trade, but no one will deny that we are yet far from being great as a trading nation. The secret of our want of success lies in our character. There is little hope of our prosperity in trade so long as educated men will look down upon it as a low occupation, and content themselves with entrusting it to the care of those who, with rare exceptions, want those elements of character which are essential to success, namely, honesty of dealing and confidence in one another. It is for educated natives to show to their countrymen that honesty is wisdom as well as virtue.

The spheres of life which are still open to

educated natives are therefore sufficiently wide and varied, but they point to the necessity of a material change in our system of education. The system which obtains at present should be confined to the training of those few who aspire to appointments of high trust in the state, or to become members of the learned professions. We have already too bitter an experience of the effect of such education on the mass of Hindu boys to wish for its further spread and progress. It is high time that technical instruction in the different arts and industries should in a great measure supersede literary education, and that we should no longer close our eyes to the fact that, in allowing our boys to drift along the current of an aimless education, we are not subserving the best interests of those to whom we are bound by ties of deep affection and duty.

DISTRICT AND VILLAGE ROADS OF BENGAL 1881.

GENTLEMEN,—Before the advent of the great moral and social change, through which the country is now passing, the Hindu and Mahomedan communities of Bengal were essentially religious communities. The observance of the rites of religion formed the chief employment of those who were above want, while the performance of works of charity and the celebration of religious festivals, with all the magnificence which the distribution of food and clothing to the poor could attain, were the principal uses of their wealth. Riches were coveted not for the augmentation of personal comforts, but for an increase of the means of spending money in these works, and of leaving to their descendants the wherewithal to maintain the family prestige for piety and charity. This self-abnegation which had become a second nature to them was truly noble. The necessaries of life which satisfied the richest zemindar in the village did not cost half as much again as the cost of living of one of his ryots of ordinary means. He resented the slightest increase to the customary expenditure for domestic purposes, but he cheerfully spent thousands of rupees for the public good. Unfortunately litigation and affrays with neighbouring zemindars and indigo-planters every now and then marred the peace of mufussil life; but whether they were the results of maladministration of justice by a body of Judges and Magistrates who were almost wholly ignorant of

the language, habits, customs and institutions of the people, or the effects of an abnormal love in the people for litigation and acts of violence, is a question which has yet to be determined.

No class of works of public utility are more indebted for their origin and number in these provinces to the spontaneous action of native charity than roads and tanks. These works satisfied the behests both of religion and charity and in many cases of self-interest also. Almost every village of Bengal contains tanks and remnants of tanks excavated for the supply of drinking water to the people and to travellers, and the large and beautiful sheets of water surrounded by high mounds of earth which are still to be seen here and there attest the enormous cost at which those works must have been executed. In the construction of roads and bridges the outlay of money by native landholders and other rich people was far more considerable. Excepting the great trunk roads, almost all the important roads which intersect districts and villages are works of native charity. Single families have spent hundreds of thousands of rupees for the purpose. The Rajahas of Burwdan, Natore, Nuddea, Cossimbazar, Paikpara and Bhookylash have long been celebrated for the number and length of roads constructed in their states, and no less distinguished for liberality in this particular are the families of the late Rajah Sookmya, the late Rajah Buddynath, the late Rajah Nursing, and the late Hon'ble Prosunno Coomar Tagore. The late Baboo Kristo Chunder Bose, of Beerbhoom, expended two lacs of rupees on a single road ; the late Baboo Callynath Moonshee

constructed the road from Takee to Baraset; the late Rajah Callynarain Chowdhry of Dacca, constructed the road from Bhawl to Jaidebpore; Baboo Kristomohun Dass, a zeminder of Rungpore, expended a large sum of money in the construction of an important road in the district; and Mr. Glazier, of the Bengal Civil Service, says in his very interesting Notes on the Rungpore Records that "the numerous country roads which intersect the district in all directions were kept in order by the zemindars." In 1820, Baboo Rammohun Mullick of Calcutta, offered to pay for the construction of a road from Diamond Harbour to Culpee, and to build a temple in honor of *Kupeelmunee*; but his offer was not accepted by the Sagur Island Society on the ground, as stated in their official proceedings, that "the "proposal implies nothing less than an active "interference on the part of the Society in forming "a new establishment of idolatrous worship— "a new shrine of Brahminical superstition!"

The following tabular statement of some of the principal roads and bridges constructed in the district of Hooghly, gives some idea of the work done by zemindars in a district which has never been foremost for the number and condition of its roads:—

Names of the Roads and Bridges.	Lengths.	By whom constructed.
Bhastara to Tribany ..	16 miles ..	Zemindar of Bhastara.
Jonye to the Surussutty ..	8 miles ..	Zemindar of Jonye.
Joyne to Conenugger ..	7 miles ..	Zemindar of Jonye..

Names of the Roads and Bridges,	Lengths.	By whom constructed.
Byddabatty to Gobindpore	7 miles ..	Singoor Zemindars.
Byddabatty to Hurripal	25 miles ..	Zemindars and F. F. Committee.
Chinsura to Dhoneakhally	25 miles ..	F. F. Committee and Zemindars.
Hooghly to Dwarbasiny..	12 miles ..	Ditto Ditto.
Pandua to Calna ..	18 miles ..	Ditto Ditto.
Howrah to Jagutbullubpore ..	12 miles ..	Ditto Ditto.
Metalling of the road from Serampore to Salkea ..	13 miles ..	Ditto Ditto.
The Bally Tension Bridge	....	Ditto Ditto.
The two Bridges on the Doneakhally Road ..	....	Ditto Ditto.
The three Bridges at Nosorye, Tribany and Satgan ..	....	Zemindar of Noapara.

The lines of embankments which landholders have constructed to protect their estates from inundations, and which they maintain at an enormous cost, serve also the purposes of highways. Several of the lines of embankments which are at present maintained at the public expense, were in existence before the Company's accession to the Dewany, but with the exception of these, the innumerable lines of embankments which are to be found in Hooghly, Burdwan, Midnapore, the 24-Purgunnahs, and other districts similarly exposed to inundations, are the works of native landholders. Regulation 8 of 1793, Sec. 72, directed the settlement officers to fix the assessment "in one neat sum free from any charges of Moshaira, Zemindaree Amla, Pool-

bandy, &c.," and laid the whole obligation of constructing and maintaining embankments for the protection of their estates on the landholders; and although it is a class of work on the proper maintenance of which depends the very security of the public land revenue, the self-interest of the zemindars has induced them to construct and maintain all necessary embankments without any help from Government.

The obligation of Government in the matter of roads and other means of communication was recognized soon after the settlement of land revenue was concluded, and the repair and completion of the great trunk roads for the passage of troops from one station to another and for the convenience of the civil officers of Government were found to be matters of necessity. So early as 1816 tolls were imposed on all public ferries, and it was declared by Regulation 6 of 1819 that the proceeds of such ferries "shall be applied "solely to the furtherance of similar objects, "such as the repair or construction of roads, "bridges and drains." Later on, in 1851, Government took upon themselves the power, by Act VIII of that year, to levy tolls "upon any road or "bridge which has been or shall hereafter be made "or repaired at the expense of the Government," and also "declared that the net proceeds thereof "shall be applied wholly to the construction, "repairs and maintenance of roads and bridges "within the Presidency in which they are "levied." The revenues which were thus derived by Government, together with the Convict Labor Fund or the proceeds of jail manufactures and the toll collections made under

Regulation IV of 1813 on the Nuddea rivers and Calcutta canals, formed the Amalgamated District Road Funds which for a long series of years, under the control and management of what were called the District Ferry Fund Committees, supplied the principal means for the construction and maintenance of roads and bridges in these provinces.

With the District Collector for their Chairman, the Ferry Fund Committees were composed of a much smaller number of non-official members than the present Road Cess Committees; but in all that go to make a public body efficient, they would compare favourably with the Road Cess Committees. Whether it was that District officers had then greater leisure and greater opportunities of making themselves acquainted with the wants and wishes of the people, or that the people could then be more easily satisfied than at present, there is no doubt that the Ferry Fund Committees were very popular institutions. Some of the most important roads which intersect the different districts of Bengal were constructed and provided with substantial bridges and culverts, wherever necessary, for the passage of water by Ferry Fund Committees, and although these works were executed mostly under the contract system, and without the assistance of a highly paid staff of Engineers and overseers, their present condition shows that very great care was taken in their construction. The amounts assigned to the Ferry Fund Committees by Government from the three sources of profit already mentioned, and by contributions from the general revenues

of the country, were comparatively small. They barely equalled the very cost of establishment entertained by the different Road Cess Committees at the present day. Taking round figures, the amount assigned in 1857-58 to the different Ferry Fund Committees under the administration of the Lieutenant-Governor of Bengal was Rs. 4,70,000, and in 1858-59, it was Rs. 5,61,000, whereas the cost of establishment under Road Cess Committees was Rs. 5, 37,000 in 1878-79, and Rs. 5,38,000 in 1879-80. In the construction of district roads, however, the amounts, assigned to Ferry Fund Committees were largely supplemented by contributions from zemindars, while the entire cost of making and maintaining village roads was borne by the landholders and their ryots. Whenever the zemindar was unwilling to pay the whole cost of a necessary work the ryots raised a portion of the cost by subscriptions from among the well-to-do members of their community, and in most cases had the work executed under their own superintendence and control.

The question as to how far the village roads laid out by the landholders and their ryots without the aid of professional men contributed to the obstruction of the surface drainage of the country and to the outbreak of epidemic fever between the years 1861 and 1869 in several of the districts of the Presidency and Burdwan Divisions, is one of great practical importance. Without dipping too deeply into the vexed waters of sanitation, it may be observed that of all the causes to which the origin and spread of the disease have been traced after official or non-official en-

quiry, the vast increase of the dampness of the sub-soil in these districts is admitted on all hands to be the principal cause; but the mischief has been invariably traced to the impediments to drainage caused on a large scale primarily by Railway embankments and, to some extent, by large district roads. The village roads have never been charged with any complicity in the matter; and it is a fact which is familiar to all who are conversant with village life that in rural villages there are too many and not too few cross-drains in roads for the passage of water from one side to the other, and that the precaution thus taken in the interests of cultivation satisfy the conditions of a proper surface drainage in the eyes even of the most rigid sanitarian. The self-interest alike of the landholder and the ryot induced them not only to raise the necessary funds for the constructions and repairs of roads, but also to take every care that the works were well done.

That the first proposal of a measure for the imposition of a road cess should have, under such circumstances, elicited an outburst of opposition throughout the country from the zemindar and the ryot was therefore not at all surprising. It ignored the payment by them of vast sums of money and the sacrifices they had made in this direction. It was felt as an insult to their sense of self-interest, to their charity and to their religion. A public meeting—one of the most successful ever held in Calcutta—of all classes of the native community held that the proposal implied "a direct breach of the permanent settlement concluded with the people of Bengal,"

that it ignored the difficulties which that settlement has conquered and the prosperity it has introduced, and that it diminished directly and indirectly the resources both of the zemindar and the ryot. The measure was, however, carried in the face of all opposition, and all persons in the country connected with the land, from the poorest to the richest, have been during the last ten years annually paying for the construction and maintenance of roads a sum of money nearly equal to one-twelfth of the entire land revenue of these provinces. This has been supplemented since 1877 by contributions from the Public Work Cess Funds. The amount expended by all the Road Cess Committees under the administration of the Lieutenant-Governor of Bengal was Rs. 34,06,000 in 1878-79, and very nearly Rs. 40,70,000 in 1879-80. There can be no doubt that the expenditure of such a large sum of money year after year has caused great good to the people, but that good is felt throughout the country to be far from being an adequate return for the money which is levied from them.

Although a Road Cess Committee is usually composed of a respectable number of non-official gentlemen, it is very far from being a representative body, and it will be long before it becomes one. A number of members represent perhaps one part of the district, while some parts of the district go altogether unrepresented. The provision in the law for a periodical change of members has, up to this time, remained in most districts a dead-letter. Even giving them all credit for independence of action with reference to the

Chairman and official members, a position on which considerable doubt has been thrown at various times not only by the public press, but also by His Honor the Lieutenant-Governor in a speech made on the occasion of an amendment of the Cess Act, it is clear that the Committees spend what money is left in their hands after the payment of charges of establishment and the inevitable charges for the maintenance of a certain number of important roads in the district, without a knowledge of the requirements of the people in all parts of the district.

Excepting in districts like Midnapore, Beerbhoom, and Bankura, large portions of which have a laterite soil, the charges for maintaining metalled roads which command a large traffic form a very heavy item of expenditure in every district. Thousands of rupees are annually spent for keeping up such roads ; and while the expenditure benefits only particular sections of the community, it stints the funds at the disposal of Road Cess Committees for other necessary and useful purposes. Some of these roads lead to the sudder stations of the districts, some to large marts and noted places of worship, and others are Railway feeders ; but although they are very important roads as regards the people of particular portions of districts, there are few which are useful to all the inhabitants of a district. The injustice of spending on these roads a large portion of the available road cess funds raised by an impost upon every landholder and ryot in the district is therefore obvious. The damage to the roads which call for annual repairs is not done by foot passengers but by carriages and

carts; and every consideration that may be brought to bear on the question would lead to show that the imposition of a tax on such vehicles is the most equitable form of raising funds for meeting the cost of such repairs. Vehicular traffic is so very large in most of these roads that a moderate registration fee levied under limitations similar to those prescribed in Act XII of 1858 on all carts and carriages which habitually ply on such roads would raise funds sufficient for their maintenance. It would fall very lightly on those for whose benefit chiefly the roads are maintained, and at the same time it would relieve the road cess funds of the heavy pressure which at present materially curtails their usefulness.

A demand for more roads and for the repairs of existing roads and drains is at the present moment the loudest and most wide-spread cry among the rural population of Bengal. It was authoritatively stated by the Secretary of State just before the Road Cess was imposed and with reference to it, that "it is of course essential that "the Government of India should be itself satisfied that it is breaking no faith in any measure "it may take; but next to the necessity of this "assurance is the necessity or, at least, the great "importance of making the same conclusion "plain to the apprehensions of the people. For "this purpose it is above all things requisite that "the benefits to be derived from the rates should "be brought home to their doors,—that these "benefits should be palpable, direct, immediate." And yet there are hundreds, if not thousands, of villages in every district in which not a single

rupee has been spent for the construction or repairs of village roads out of the vast sums of money which have been levied from the people thereof during the last ten years. In the Bengal Administration Report for 1878-79, it is stated that "more attention has also been given to the repair and improvement of village roads, although in some districts the money set apart for this purpose has not been wholly expended; whilst in others the provision made was inadequate;" and although in the Administration Report for 1879-80 it is stated that "a very marked improvement is now reported in the condition of village communications in nearly all the districts," the statement must be accepted to have reference only to a very small number of villages in every district. No evil is ever cured by being ignored, and it would indeed be a very grave error if by reason of certain partial improvements in certain village communications, Government and the public were to suppose that they have dealt justly by the helpless millions. The plain facts of the case are that the cost of the establishment and the cost of maintenance of district roads and bridges engross so large a share of the road cess funds that very small sums of money, quite inadequate for the purpose, are annually allotted for the improvement of village roads, that the cesses levied from the landholders and their ryots have made them unwilling and in many cases unable to contribute money over again for the construction and repairs of village roads, and that while the spread of education and the material progress of the country have created a selfish desire for personal comforts, they have loosened

the hold which religion and charity had of old on the minds of the people. The people now naturally look up to the Road Cess Funds for the improvement and maintenance of their village roads, and the experience of the past has shown that the work should not be left to the irresponsible action and arbitrary discretion of Road Cess Committees. Like Lord Lyndhurst, Government should "look with jealousy, and not with confidence, upon the acts of all those who may be the depositaries of power," and it would be well if definite rules were laid down for the distribution of Road Cess Funds for the purposes of improvement of village roads. It may be authoritatively laid down by Government that the balance that is left after paying the cost of establishment, and of the construction and maintenance of such district works as are not used exclusively by particular sections of the community, should be allotted to different villages in proportion to their contributions to the fund, and that the allotments so made may be kept in reserve for two or three years with reference to particular villages to allow of the annual allotments swelling up to sums required for those villages. Such a distribution of the funds would be the most equitable in principle, and it would at the same time remove all objections based on the want of proper representation of the people in the District Committees. His Honor the Lieutenant-Governor has earned the gratitude of the people of these provinces by offering District officers liberal grants of money for the improvement of Railway feeder roads. The question of village roads is one of no less importance, as it involves

the fulfilment of assurances given to the people at the time when the cess was first imposed; it is one which concerns the honor and good faith of Government.



AS A VAKIL OF THE CALCUTTA HIGH COURT (*in 1 84*).

THE BENGAL TENANCY BILL 1883.*

I am of opinion that in so far, as the Bengal Tenancy Bill proposes, (1) to limit the maximum area of khamar lands; (2) to extend the right of occupancy in the manner provided in section 47, and in a modified way to tenants-at-will; (3) to give the occupancy ryot a right to the accretion to his holding; (4) to make a right of occupancy transferable; (5) to limit the maximum increase of rent to one-fifth of the value of the staple produce; (6) to restrict the landholder's right of letting in any way he chooses lands which come to his khas possession; (7) to award compensation to ordinary ryots for disturbance; and (8) to virtually abolish the law of distraint; it is a direct breach of the compact known as the permanent settlement, and is a measure of spoliation of vested rights of property.

The other provisions of the Bill are not such as would alter for the better the existing law on the subject. The provision, for instance, as to instalments of rent, contained in section 97; the provisions for deposit of rent, contained in section 103; the provision for the appointment of managers of joint estates, contained in section 142; the provision for a record of rights, contained in section 164; the provision for the sale of tenures and under-tenures, with incumbrances, contained in section 211; and the limitation to the right

* Letter to the Board of Revenue in reply to their letter.

of appeal in certain suits, contained in section 198, would aggravate the defects of the present law, introduce complications and difficulties where none exist at present, would give rise to unnecessary and harassing litigation, and set class against class, and individuals against individuals, in matters in which legislation may well aim at the establishment of peace and harmony.

The Bill pre-supposes a power in the Legislature to take away material rights from the landholders ; and to give them to the ryot. The Hon'ble Mover of the Bill claims that power under section 8 by Regulation I of 1793. When, however, it is recollected that at the time of the permanent settlement landholders had the legal power of not only compelling the attendance of ryots, but also of inflicting corporeal punishment, and confining them for non-payment of rent, of levying share duties on internal trade, of maintaining police establishment for the preservation of peace, and of appointing Kazees and canoongoes for the administration of justice, civil and criminal, and that some of the subsequent Regulations were expressly passed to divest the landholders of almost all of these seigniorial powers, it may be fairly contended that the reservation contained in the section could have reference only to the powers thus exercised by the State, and not to any interference with the proprietory rights of landholders, with regard to which they were assured that "they will enjoy exclusively the fruits of their own good management and industry," and that "no power will then exist in the country by which the rights vested in the landholders by the Regulation can

be infringed, or the value of landed property affected."

It seems to me that the Indian Legislature, by giving to the reservation in section VIII an interpretation which is at least doubtful, and assuming powers which are denied by such eminent and responsible authorities as Sir Barnes Peacock and Sir Richard Garth, may give cause to parties interested to question the validity of its acts. The principle laid down by Sir Lawrence Pul in the Wheel Tax Case (Taylor and Bill, 391), would, I think, give them a *locus standi* in such an attempt. "It is the province of Courts of justice of the country to decide on the legality of Acts of Legislature, if a suit is instituted to decide whether the Legislature has or has not exceeded the limits within which it may legislate."

The matter presents yet another aspect. The present body of landholders have mostly come to the possession of their estates and talooks by purchases made for adequate considerations, and crores of rupees have been thus invested in land on the faith of the binding character of the permanent settlement; but if the Bill in question passes into law, the value of landed property will be materially reduced, and while those who will make purchases hereafter will pay only the reduced prices, and those who have gone before had a full return for their money, it is only the present body of landholders who will be the losers, in many cases to a ruinous extent. It is with reference to such a case as this that Sir J. S. Mill observes that it would "impose a penalty on people for having worked harder and saved more than their neighbours."

But the question is, where is the necessity for such a piece of revolutionary legislation? Not a single suggestion for a radical amendment of the Rent law emanated before the publication of the Draft Bill of the Rent Commission from any of those responsible officers of Government who are charged with its administration. The Chief Justice of Bengal, on the contrary, held that the Bill " is calculated to deprive landlords, unjustly and unnecessarily, in my opinion, of rights which the courts of law have always considered to be their due." No part of these provinces is suffering from an agricultural depression. The condition of the ryots is unquestionably one of growing prosperity, and the fabulous wealth of the landholders which both Justice Cunningham and the Hon'ble Mover of the Bill deduce from the fact of the increase of the rent roll of these provinces from three and a half crores at the time of the settlement to more than 13 crores of the present time, even if well founded, is no index, either of a corresponding poverty of the ryots or of their rights having been usurped. So long ago as 1871 the Government bound itself by a promise to give the landholders greater facilities for the recovery of rent in return for the obligation laid upon them to collect the tenant's share of the road cess; but surely a plea of fulfilment of that pledge cannot justify a radical amendment of the Rent Law to the detriment of the most valued rights of landholders.

On the above grounds I think that a radical amendment of the Rent Law is wholly uncalled for, and that several of the provisions of the Bill involve assumptions of fact which are not merely

not true, but the very reverse of the truth ; interpretations of law which are opposed to judicial decisions ; inroads into vested rights of property, which are as much objectionable as measures of direct confiscation ; visions of peasant proprietorship, which leave out of sight important factors peculiar to Indian Social economy, and theories of legislation which would justify an universal distribution of all property.

ON THE EXAMINATION OF WITNESSES IN MOFUSSIL COURTS 1883.*

To any one who is familiar with the working of our courts of Justice, the reluctance evinced by every native, educated or uneducated, high or low, to be examined as a witness in court, is a matter of daily experience. This feeling appears to be the more singular as perjury is supposed to be a crime of not unfrequent occurrence in Bengal and even professional witnesses are supposed to be not very rare. So intense, however, is the general feeling on the point, that advantage is not uncommonly taken of it to satisfy private grudge by enforcing the attendance in court of persons whom the citing party has not the remotest idea of examining as witnesses ; and where both the litigant parties are influential men, or where there is a large number of partisans on either side, each party delights in citing as witnesses the friends of his antagonist, how ignorant soever they may be of the subject of litigation. Cases have even been known in which the power enjoyed by suitors in this particular has been used as a means of extortion and in which people have been only too glad to purchase by a pecuniary consideration, exemption from those troubles and annoyances to which witnesses are rightly or wrongly, believed to be subject ; and

* A paper read at a meeting of Social Science Association.

cases are still more common of persons absconding from their home and sojourning in distant places till the danger is over.

Considering all the circumstances connected with the examination of witnesses, we cannot wonder at the intensity of feeling which is thus generally manifested. With some, the bare taking of the name of God with a full knowledge of all the frailties of our nature and with the possibility of making an untrue statement through defective memory or through confusion of ideas, is in itself a sinful act; and though similar considerations do not weigh with the majority of those who hesitate to give evidence in court, there are circumstances enough to make the position of a witness in our courts a repugnant one. The poor witness's danger commences from the very time the summons is issued for his attendance in a cause. With a view to gain time, and to prolong litigation, the suitor takes care that the summonses are not actually served on all the witnesses cited by him and that at least a few of them are returned to court either with the remark that the witnesses could not be found or that they had absconded to evade the service of the process,—so that the evidence of a servant of the plaintiff or the defendant, corroborated by the interested testimony of the court peon, might condemn the witness to prison, or subject him to a fine; but fortunately this provision of the law is not always rigidly enforced, and recourse is had to the more lenient procedure of issuing a proclamation for the attendance of the supposed recusant witness. We will not view the witness's position in a worse light than it generally

is by supposing that even the proclamation is purposely kept back from his knowledge, and that ulterior measures in the shape of attachment of his property and committal to a criminal court are resorted to. Although these latter measures are adopted in several cases, we will suppose that the proclamation has the desired effect, and that the witness finds himself constrained to attend the court. When he is once in court there is no knowing when his troubles would cease. In more than five cases out of ten the trial is not conducted on the day fixed for the same but is put off from day to day, and from week to week for a period which might extend to several months. If the witness lives within a few miles of the court house, and can command cheap and easy means of communication, he can repair to the court daily or on the appointed days from his home, but if he is not so fortunate, he is obliged to reside temporarily in the vicinity of the court house to the detriment of his daily avocations, and exposed to all the inconveniences and privation of a temporary residence in town. If one were to hear the supplications daily made by parties and their witnesses for the trial of cases on the appointed days, one should suppose that our Mofussil judiciary are self-constituted distributors of charity and not of justice, and that they are the masters and not the servants of the public. Happily our courts are daily becoming more cautious and considerate than before in fixing days for the trial of cases, and more punctual in trying the cases on the appointed days.

We shall suppose these preliminary trials to be at an end, and that the witness is fairly in the

box ready to undergo his examination. An impression generally prevails in the Mofussil bar that, excepting in criminal cases, the examination of witnesses is a minor task. There is scarcely one case in a hundred in which the pleader prepares himself for conducting the examination of witnesses, or even reads the brief before the case is ripe for argument. The task is usually left to a junior pleader, who carries the witness through his evidence as set down in the memorandum furnished by the mookhtear. While in England witnesses have many motives for stretching their story to the attorney—the love of being important, the desire of being taken to the Assizes and paid for pleasure trips—a witness in this country, on the other hand, tries to make himself as immaterial and unimportant as he can to the suitor and his mookhtear, in the hope of being released from the disagreeable position of a witness. The memorandum of evidence with which the pleader is furnished is, therefore, in many cases, as different from what the witness actually says under the sanction of a solemn affirmation as anything can be. A mass of irrelevant matter is thus introduced into the record of the case, while perhaps the most material points on which the witness could have given his evidence are altogether left out of sight. All that ingenuity and caution that are required in conducting the examination-in-chief—to bring out, for example, statements from a witness who says too little, and to keep another who says too much closely to the points for which he is required ; to manage skilfully an adverse witness, and yet not to

violate the principle by which one cannot discredit one's own witness—are as a rule practically unknown in the Mofussil courts. Should the witness by mistake make a statement which is damaging to the cause he has been cited to prove, the ignorance of the pleader of the facts of the case disables him from trying to put the witness in the way of refreshing his memory and correcting his error. One great evil of this haphazard way of examination is that it produces disagreement of witnesses in important particulars, for instead of weighing for himself the legal sufficiency or otherwise of the evidence adduced by two or three witnesses to prove a cause, the pleader examines as many witnesses as the party or his mookhtear in his anxiety desires to be examined; and thus instead of the unvarying statement of two or three witnesses, there is usually in the record of a case nine, ten, or even fifteen or twenty statements on the same point, which, from various causes, oftentimes disagree with and contradict one another. It is owing to these apparently trivial causes that the testimony of a witness who may be perfectly honest and truth-telling not only conflicts with the other evidence in a case, but appears to be wanting in that frankness and honesty which require not simply the truth but the whole truth to be disclosed. From the very nature of the examination the testimony is defective on some points and unnecessarily prolix on others, and it is in this position that the pleader leaves the witness to be dealt with by his adversary in cross-examination.

The cross-examining pleader, being usually as

ignorant of the circumstances of the case before it is ready for argument as the pleader on the other side, is unable to discern the merits of the questions put to the witness in his examination-in-chief. Several leading and irrelevant questions are asked unopposed in the examination-in-chief while some introductory questions are perhaps hotly protested against, and when his turn comes he is obliged to proceed in an aimless cross-examination on the statements made by the witnesses without being aware of the bearing which those statements have on the case. Sometimes he contents himself by relying on a set of questions furnished by his client or his mookhtear, the object of which is in many cases to show that the witness is a ryot or a dependant of the party by whom he has been examined; that he has given evidence in different courts half a dozen times, or that he is a member of a hostile village fraction. From its very nature the cross-examination which is thus conducted generally partakes of the character termed the "savages" style of cross-examination. Instead of beginning by giving the witness credit for good intentions and trying to elicit the truth by making him believe that he might himself have been deceived, the pleader tries to make out contradictions by confusing the honest and brow-beating the timid. The result of such a course is evident. It kindles defiance in the breast of the witness, places him on his guard, and thus destroys in many cases the only chance of weakening the force of his testimony in favor of the other side. Not one of the least disagreeable consequences of such a treatment in the witness-

box in a country where discretion is usually reckoned to be the better side of valor, is to create and confirm that repugnance to give evidence in court which we have noticed at the outset.

The court itself plays no unimportant a part in bringing about the mass of incomplete and unsatisfactory evidence which is usually found in the record of a case. Confident that all the material points would be drawn out by the pleader by examination-in-chief, and that all irregular questions would be objected to by the pleader on the other side, its sole care generally is to see that the examination of each witness does not take up more time than what is ordinarily allotted to it. But this indifference is comparatively harmless. It is far less injurious in its consequences than the overseal, very much akin to a pre-determination of a case before the evidence is closed by both sides, which induces a court to take upon itself the task of conducting the examination-in-chief or the cross-examination, and to humour or to browbeat the witness according to its pleasure. The effect of such a conduct is unmitigated evil, as the court by its very position, and its almost absolute power, can commit an ignorant witness whether honest or dishonest, almost to any statement which it wishes him to make. The circumstance, however, which exercises the most pernicious influence on the suitors, the pleaders, and the witnesses, and tends in no small degree to debase the national character is the opinion which the Mofussil courts generally choose to entertain that all persons examined in courts are, with rare exceptions, dishonest witnesses. This opinion not only finds a vent in the judgments

of all grades of courts, but also in a most objectionable manner during the examination of witnesses by way of such remarks as these,—"I know very well what you have come to say;" "Do make haste, and finish what you have been taught to say;" "I know full well what weight to attach to the evidence of witnesses in this country." Nothing can be more clear than that this light assumption of dishonesty creates a disgust for courts in the minds of the honest, and a recklessness about untruth in the minds of the wicked. The treatment which the witnesses receive at the hands of the court and of the pleader, and the estimate which is thus hastily and uncharitably formed of their evidence during their examination, would have long convinced suitors of the utter worthlessness of oral testimony in this country, and dissuaded them from examining numbers of witnesses in each case, did not the written judgments of the courts in some measure contradict their oral observation and show that although a court may choose to insult them by discrediting all the witnesses in a case during their examination, yet that, in its written judgment, it generally believes all the witnesses examined on one side, and discredits the evidence of the witnesses on the other. It is not uncommon to find a court state in support of its judgment that a large number of witnesses have satisfactorily proved a certain fact; and it is, therefore, no wonder that suitors should think that there is more weight in the sworn testimony of twelve or fifteen witnesses than in that of two or three only, and that they should compete with one another in enlarging their list of witnesses and in examining a much larger

number of them than is, in most cases, necessary. The demeanour of witnesses often furnishes the criterion on which the courts base their decisions as to the credibility of witnesses, and from the vast number of decisions in which this criterion is relied upon, one should suppose that our Subordinate Judges, Moonsiffs, Magistrates, and Deputy Magistrates are all either acute phrenologists, or at least persons who are peculiarly gifted with the power of reading the minute shades of the feelings and emotions from the bare features. Even the merest tyro in the art of judicial investigation thinks himself qualified to discriminate the placid audacity of a professional witness by the embarrassment of falsehood, or the bewilderment of a tutored witness who has lost the chain of his story, from the calm dignity of truth, the flutter caused by the novelty of a court scene, or the hesitation caused by defective memory, and to indite his verdict of belief or disbelief on a witness or a number of witnesses from the expression of their countenance during examination. It is, however, strange that one should find in the decisions of our courts the demeanour of one and all the witnesses examined on one side regarded as truthful, and that of all on the other side as false and embarrassing, as if the party who wins has always the rare good fortune to secure as witnesses persons who neither embarrassed by the novelty of their position, nor ruffled by the irregular and sometimes insulting cross-examination to which they are subjected, while the cast party has always the misfortune not to be able to procure a single professional witness who can simulate the frank expression of truth, or even

an unscrupulous one who can calmly narrate his taught testimony. What more can conduce to lessen the respect due to courts than to find one's sworn statements lightly estimated and wantonly disbelieved? The fact of the appellate court, on a consideration of the documentary evidence and of the probabilities of a case, coming many a time, to a conclusion, on the credibility of the oral testimony on the one side or the other, very different to that of the court which has the opportunity of marking the demeanour of witnesses, furnishes a sad corroboration of our position. But the anomaly is inevitable in a country where the training for the judicial service is undergone simultaneously with the discharge of its duties, and where an appeal on the merits from the verdict of the court of original jurisdiction is not merely an unobjectionable but a necessary procedure.

The way in which the evidence of witnesses is recorded is also not free from objection. In taking down the testimony of witnesses the one's sole aim of the court and of its amlah should be to take down the evidence as much as possible in the language of the witness. Owing, however, to the unhappily wide difference which exists between the spoken and the written language of the natives, and owing, moreover, to a desire on the part of the court and of its amlah to record the evidence in what they suppose to be correct language, instead of in the coarse but graphic colloquial in which it is usually delivered, that which the witness says appears in a materially modified form in the record, while the time taken in chastening the language of an answer to a

question and writing it down, enables a dishonest witness to draw upon his imagination for explanations on points in which he has been well nigh pushed in cross-examination to the verge of a contradiction. It is well known, moreover, that, in many cases, the only safe criterion whereby to ditect taught testimony, consists in the difference of the language of the tutored witness to that of one who makes an extempore statement. This criterion is, however, altogether lost under the system of recording evidence which obtains in the Mofussil, and the evidence of the taught witness usually appears on paper in an aspect very different to that in which it is viewed by those who happen to mark his language during examination. The case is still worse in the criminal courts. The above remarks apply with double force in criminal cases in which the evidence of witnesses is not taken down in the language in which it is delivered, but only the substance of it in a foreign language. The translations being effected by first impressions by gentlemen who, whatever their qualifications in other respects, are generally very indifferently acquainted with the idioms and phrases of the language in which the witnesses are examined, their fidelity is always doubtful; and there being no record of what the witnesses actually say, they may be construed, at least in the appellate court, to say a thing very different to that which they did really say.

Nothing can be more deserved than the high encomium which is usually passed on the ability, honesty, and independence of the members of the Mofussil bar and of the gentlemen who preside

over the Mofussil courts. But our highest tribunals are still as loud as ever in their expressions of displeasure at the manner in which the evidence of the witnesses is taken in the Mofussil, and the mass of irrelevant matter which it generally allowed to be introduced into the record as legal evidence, and at the unscientific and sometimes wanton manner in which the estimate of conflicting oral testimony is made. Amid progress and improvement on every side, the mode of examination of witnesses still continues a standing reproach ; and while by the spread of education orthodoxy in religious and social questions is gradually giving way to more liberal ideas, the reluctance to be examined as a witness in court is daily getting a greater hold on the mind of every Hindoo.

CHAIRMAN'S CASTING VOTE 1890.*

I have the honor to state that as the Down Train, which I took at Bally for the purpose of going to Calcutta, and attending the meeting of the Faculty of Law held on the 30th ultimo, was several minutes behind the time I could not attend the meeting and take exception of the proceedings of the previous meeting of the Faculty, *i. e.* the one held on the 30th of June last, as I intended to do.

I now find from the Hindu Patriot News paper of yesterday that at this last meeting the Faculty adopted with certain modifications the Rules for the election of Tagore Law Professor which were submitted at the previous meeting.

As my objection goes to the root of the legality of the proceedings of the meeting of the 30th of June last I beg to submit it below and to request that you will be pleased to take such action upon it as you deem fit.

The objection is that my amendment to the effect that it is not desirable to alter the rules for the election of the Tagore Law Professor on the lines of the Draft Rules submitted to the meeting was irregularly negatived as it was negatived by your casting vote as Chairman at the meeting. But you will be pleased to see that the Bye-laws of the University do not empower the

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*** A letter written to Justice F. K. Norris, President of the Law Faculty.**



THE YOUNG RAJA. (*in 1889*).

President of a Faculty to give his *meeting vote* in case of an *equality* of votes. Section 9 of the X Act of Incorporation gives the Chairman at a meeting of the Senate a casting vote in case of equality of votes and Bye-law and the heading "Syndicate" gives the Chairman of a meeting of the Syndicate a casting vote in similar circumstances. This power can only be given by express provision. The principle is thus stated in Palgrave p. 16, "By common right a Chairman has no casting vote, if the number of voter is equal, the question put by the chair must, therefore, in this case remain undecided."

HINDU MARRIAGE LAWS AND USAGES 1895 AND 1911.*

1. In 1793, by section XV Regulation 4, of that year Government was pleased to give the peoples of India the pledge that " in suits regarding succession, inheritance, marriage and caste and all religious usages and institutions the Mohamedan laws with respect to Mohamedans and the Hindu laws with respect to Hindus are to be considered as the general rules by which the judges are to form their decisions." The proposed amendment of the Act would be a direct infringement of that pledge.

At the instance of a certain section of Brahmos who were unwilling to contract marriages with orthodox Hindu rites and contracted them according to a ritual framed by themselves it was found expedient in 1872 to enact a special law for legalising such marriages, as otherwise such marriages were declared by the law officers of Government to be "invalid and the offspring illegitimate." Care was, however, expressly taken to make the law applicable only to persons who did not profess the Hindu, Mohamedan and other recognised religions of India and thus the religious beliefs, observances and feelings of the Hindu and other communities were strictly safe guarded.

2. Like the marriages celebrated under the sanction of the church of Rome marriages among

* Extracts from replies to Government letter and marriage reform Committee's letter.

the Hindus rank as a sacrament. The whole foundation of the Hindu law of succession has been built on religious rites and observances which make the marriage tie holy and rest the offsprings born in lawful wedlock with the right of inheritance. If the religious rites and observances were dissociated from marriage ceremonials the offsprings would have no better status than illegitimate children, and the evil would be much intensified in the case of children born of parents of different castes who have intermarried. I can hardly conceive of a measure which would more seriously outrage Hindu feelings and interfere with the religion and religious observances of the people than intermarriage between persons of different caste. Manu Sanhita clearly ordains that a Brahmin who takes a Sudra to his bed in his first wife loses his priestly caste and that the law declares no expiation if a Brahmin beg to a child on a Sudra, and the Gods and his ancestors will not eat his offerings. But apart from the religious aspect of the matter the social and economic aspects present serious considerations. The language, the costume, the ornaments, the food and drink, the religious worship, the general habits, tastes and modes of life and occupation are oftentimes so very different that the parties can hardly by mutual accommodation bring about a harmonious and happy communion essential to domestic life. It should also be taken into consideration that although the effect of intermarriages from a biological standpoint is imperfectly understood it is believed that such unions produce a weak and comparatively infertile stock.

3. No usage is more objectionable in the eyes

of would be reformers than early marriages. I shall content myself by quoting two authorities in its deference, Mr. Waller Gallicham justly says in his work, " The great unmarried " that " All the statistics of social hygiene prove beyond question that early marriage is beneficial to the nation." Dr. Benjamin Franklin also says, " I am rather inclined to think early marriages stand the best chance of happiness. The temper and habits of the young are not yet become so stiff and uncomplying as when more advanced in life they yield more easily to each other and hence many occasions of distrust are removed etc., etc., etc., and by early marriage youth is sooner formed to regular and useful life, and possibly some of those accidents or connexions that might have injured the constitution and reputation or both are thereby prevented, child marriages and early marriages are nowhere more prevelant than in Behar, the Upper Provinces and the Punjab and yet where do we find such well-built and strong man as in those places, men who as soldiers have earned the highest soldiers born in more favoured climate.

4. It is an acknowledged fact that Hindus are singlularly fortunate and happy in their family relations and that they need borrow no light to better their condition in this respect from the laws and usages of other nations. In spite of the general prevalence of early marriages and the practice of selection of brides and bridegrooms by their parents Hindu homes have always been centres of domestic felicity both among the rich and the poor, the high and low. "When people understand that they must live together," said

Lord Stowell (Evans *vs.* Evans, I consistory Reports page 36), they have to soften by mutual accommodation that yoke which they know that they can not shake off; they become good husbands and wives from the necessity of remaining husbands and wives, for necessity is a powerful master in teaching the duties which it imposes." It would be deplorable beyond measure if institutions which have produced such happy results for ages were to be interfered with and the choice of brides and bridegrooms be left to irresponsible and unexperienced young men and young girls. The effect of a change would be to reduce a large number of young men to the unnatural state of celebacy for life. By postponing a change of their condition they, without originally intending it, would find that it is too late to think of it. Considerations of personal freedom and economy and the promptings of ambition, if nothing worse, will incline them to live all their lives in a condition which greatly lessens a man's value. There can be no question that when a youngman is married he is put in the way of becoming a useful citizen. It has been found in the United Kingdom that among every 1000 bachelors there are 38 criminals, among married men only 18.

5. As regards the proposal for the reduction of marriage and *Sradh* expenses I beg to observe that it is a matter of no small gratification to all persons, high or low, to be able to celebrate the marriage of his heirs and wards with the pomp and grandeur adequate to his position and means. It cements the affection between parents and children, brings poor and distant relations in closer union and benefits the poor people in whose

midst the money is spent. To a subject people the dull routine of whose existence is unrelieved by the excitements and triumphs of a political life such spells of enjoyment break the monotony of an easy and aimless life or of drudgery as the case may be, and are looked back to for years with pride and pleasure as events in the family. In the case of funeral or *Sradh* expenses the feeling which prompts men to shut their minds for a time against all considerations of economy cannot but be respected. It would be cruel to deprive a bereaved person of the small satisfaction he feels in offering his last tribute of gratitude and adoration in the manner most agreeable to his feelings to one who was his living God on earth. It is no doubt true that extravagant marriage and funeral expenses have plunged families into debts and ruin but the real cause of the general indebtedness of the people must be sought for in the introduction of refined idea of life, in the growing practice of men living beyond their means and in the incidence of heavy taxation.

6. The only item of marriage expenses which it is desirable but impossible to control is the bonus or consideration that has to be paid by the bride's father to the father or other guardian of the bridegroom. The caste system restricts the marriage of Hindu girls to members of certain defined class and *gotras* and thereby limits greatly the area of selection. As a matter of fact more boys are born than girls in Bengal and other parts of India but as observed by Mr. Baines in his last census Report " owing to the very much higher mortality amongst the former during the first year of life the latter predominate in number

until their vitality begins to be effected by special sexual influences from which the male is free." The result is as shown by the tabular statement which Mr. Baines gives in page 261 of the Report that the proportion of single males under 15 years is only 7681 in 10,000, whereas the proportion of single females under that age is 9432 in every 10,000. This disparity in numbers found a remedy in former times in poligamy but as that institution has been on the wane and become almost extinct for the last 50 years, there being at present according to the last Census only seven in every 1000 benedicts who have more than one wife, the demand for marriageable males far exceeds the supply of marriageable girls. It is no wonder that in such a state of society contracts for marriages should be governed by commercial principles.

Uttarpara,
June, 10, 1895.

SETTLEMENT OF PETTY GOVERNMENT ESTATES 1897.*

1. Government has clearly an absolute right of selling or letting out in lease estates which come to its possession by revenue sales. But whether the estate is sold or let out in farm, the tenants and raiyats on it retain their statutory rights and are protected from arbitrary evictions and enhancements of rents inasmuch as the estate continues to remain a permanently settled one in spite of such transfer. But as soon as the estate, is converted into a temporarily settled estate, the rights of the tenants and raiyats are extinguished, and it becomes liable to periodical enhancements of rent under the provisions of sections 192 and 195 of the Bengal Tenancy Act. It was to protect tenants and raiyats from a wholesale destruction of their rights by the mere fact of an estate coming to the hands of Government, that section VI of Regulation I of 1793 was framed and any attempts to remove this wholesome safeguard is, in the opinion of the committee, open to the gravest objection. The restriction imposed upon the power of Government by section 191 of the Bengal Tenancy Act in the matter of enhancement of rent of tenures in estates which have once been permanently settled would have been enough to protect the rights of tenure-holders, had not such restriction been enough to protect

* Reply to a letter of Seeretary to Government.

the rights of tenure-holders, had not such restriction been expressly omitted in sections 192 and 195 of the Tenancy Act. With these two sections in the Statute Book, the repeal of section VI of Regulation I of 1793 would seriously affect one of the fundamental principles of the Permanent Settlement and infringe a most valuable right conferred on land-holders and tenants by that Settlement.

2. Again, viewed from another standpoint, namely, that of the proprietors of permanently-settled estates, the proposed legislation seems to be fraught with incalculable mischief. Hitherto, the Sub Laws have been administered with commendable leniency, and according to time-honoured practice, founded upon the rules passed by the Board of Revenue, a defaulting zemindar has seldom been deprived of his estate if he deposited the amount of the Government demand within a reasonable period after default. This leniency is, no doubt, partly due to the operation of section VI of Regulation I of 1793, under which the state is precluded from deriving any benefit from a change in proprietorship, inasmuch as the new proprietor will pay the same revenue as his predecessor used to do. But if section VI of Regulation I of 1793 is now amended and Government is empowered to temporarily settle estates coming to its hands by revenue sales, then one of the inducements for a lenient administration of the Sub Laws will disappear and but little indulgence will, the committee apprehend, be shown to defaulters. The proposed legislation is in this way calculated to produce far-reaching consequences highly detrimental to

the interests of the proprietors of the permanently-settled estates. It will gradually reduce the number of the latter while increasing, on the other hand, the area of the temporarily-settled estates. Such a prospect the Committee cannot but contemplate with grave misgivings and they therefore feel it their duty to strongly oppose the legislation is suggested by Government of India.

I have &c.,

APPEALS IN CIVIL SUITS 1897.*

The Committee fully appreciate the object which the Government of India has in view, in desiring to modify the law regarding appeals in civil cases, namely, to check the increase of the litigation, which has impoverished such a large number of families in the country and is daily tending to ruin landholders and raiyats, capitalists and traders alike. But they are afraid that the remedies suggested will only serve to lead to other, and perhaps graver evils. They observe that the figures given in Mr. Hewett's letter do not throw any light on the question as to whether the large percentage of appeals to which reference has been made therein, is the result of an innate and insatiable love of litigation, or whether, on the other hand, it is to be attributed to the want of popular confidence in the inferior courts in which by far the great majority of the suits are heard in the first instance. The Committee submit that the former hypothesis is not warranted by the comparative statistics quoted in Mr. Hewett's letter from which it is clear that, having regard to the relative populations of India and England, the balance is distinctly in favour of the former. These figures show that whereas one suit was instituted for every 35 persons in England during the year 1894, in India the proportion was 1 to 116 during the

* Reply to Government letter written for the British Indian Association 1897.

same year. The Committee are, therefore, entitled to assume that to whatever causes may be attributed the high percentage of appeals in this country, an inveterate propensity for litigation on the part of the people cannot be one of them. In instituting comparisons in this respect with England it should be further borne in mind that whereas Judicial officers in England are experienced lawyers whose minds are imbued with the traditions of eminent Judges who have left their mark in history, and are controlled by an enlightened press and public opinion, the lower courts of India are presided over by young and inexperienced officers in whom mature judgment can hardly be expected. There can be no doubt that it is the want of confidence in the courts of first instance, which is one of the causes of the large proportion of appeals made to higher Courts for redress.

How far the right of appeal has been rightly exercised or abused is a point upon which no opinion can, the Committee submit, be pronounced in the absence of a statement showing the results of the appeals preferred against the decrees of the lower courts. So far as Bengal is concerned, the Committee find that in 1893 the decisions of the lower Courts were reversed or varied by the High Court in 33·4 per cent. of the appeals from original decrees and in 10·2 per cent. of the appeals from appellate decrees and in 19·9 per cent. of the miscellaneous appeals, the corresponding figures for 1894 being 21·2, 11·3 and 24·7 per cent. respectively. These figures do not, the Committee submit, indicate that the right of appeal is really abused, at

any rate, in this Province. The Judicial statistics published by the Government of Bengal further show that, on an average, the decrees in about 25 per cent. of the appeals preferred against the decrees of District Judges and Subordinate Judges are either reversed or modified or the suits remanded for retrial. When even District Judges and Subordinate Judges, who are as a rule men of experience and erudition, are found to be far from free from error, the Munsiffs, who are comparatively young and inexperienced officers, can hardly be expected to be infallible. Under these circumstances, the Committee are not at all sure whether it is possible to curtail the right of appeal, in civil cases without seriously impairing the administration of Justice. It may not perhaps be out of place for them to point out here that even in cases of bond debts, damages and contracts, the limitation imposed upon the right of appeal is justly felt as a grievance. Indeed, one of the chief causes of the unpopularity the small Cause Courts is to be found in the fact that very few of the Judges realise the heavy responsibility that rests on them by reason of their being free from the wholesome check of an Appellate Court. The Committee would once more submit that the people of India can have no love for litigation which is often found to be a double-edged weapon injuring both the plaintiff and the defendant. As a matter of fact they are driven to have recourse to litigation only when the claim happens to be a substantial one and prefer to forego small claim rather than incur exorbitant costs, legal and illegal, by having recourse to law. The

only way, therefore, in the opinion of the Committee, to check litigation is to improve the procedure of the Courts and the quality of the Judges that preside over them, and not to put restrictions upon the right of appeal—a measure which can not fail to prove detrimental to the proper administration of justice. With these preliminary observations, I am directed to submit the following remarks of the Committee upon the several proposals enumerated in Mr. Hewett's letter.

1. The proposal that where appeals from lower courts are heard by a single Judge of the High Court, there should be no appeal from his decision except by leave of the Judge, would entail great hardship upon the aggrieved suitor, as the permission of the Judge is sure to be granted most sparingly and only in exceptional cases. However imperial the Judge may be, it can hardly be expected that he will readily allow an appeal from his own decision. It is with the greatest reluctance that Judges allow even applications for review of their own judgments and it is not unknown that some Judges have not admitted a single application for review during the whole tenure of their office. The result of the change proposed would be that even in the most glaring cases of error and injustice the parties would have no remedy.

2. The proposal that in original suits heard by a single Judge of the High Court where the value of the subject matter does not exceed Rs. 2000, there should be no appeal from his decision or from any interlocutory order, unless by leave of the Judge, and that, for the purpose,

an application for a new trial should be included in the term appeal, has the approval of the committee and they have no objection to its being tried as an experimental measure. The cost of original suits in the High Court being notoriously excessive, the proposal has certainly much to be said in its favour. But the qualifying clause should be not "by leave of the Judge" but "except on ground of error in lower procedure."

3. The proposal that in cases where the amount involved is large and where an appeal lies to the Privy Council, and an appeal is a practical certainty, the parties should have the option of commencing the suit in the High Court, is open to serious objections. It will entail much additional work upon the High Court, possibly necessitating an increase in the number of Judges, and also much inconvenience and expense upon suitors who will have to bring all their witnesses to Calcutta from the Mufassil and to undergo heavy costs in getting papers, registers and records from the Revenue offices of the district transmitted to Calcutta. If this proposal is adopted, then the result will be, my Committee apprehend, the denial of justice is not a few cases.

4. As regards the proposal that security for costs should be given in every appeal unless the Court for good reasons, dispenses with it, and that where there is a second appeal from concurrent decisions, substantial security should always be given, the Committee are of opinion that the only effect of this innovation will be to unnecessarily add to the costs of the suit and to

delay the trial of appeals, inasmuch as inquiries as to the sufficiency of securities not only involve much delay but are also generally very expensive and harassing. The proposed provision, the Committee apprehend, would virtually preclude poor men from preferring second appeals in the High Court.

5. The proposal that the power of revision conferred on the High Court by Section 622 of the Code of Civil Procedure should be curtailed and that this jurisdiction should be confined to cases where the High Court in England could issue a mandamus or prohibition, is open to grave objection. In this connection the Committee invite the attention of Government to the following extract from the speech delivered by Mr. (now Sir Andrew) Scoble in the Viceregal Legislative Council on the 24th February 1887 on the Provincial Small Cause Courts Bill :— "A recent decision of the Privy Council has given a very restricted interpretation of Section 622 of the Code of Civil Procedure and has limited the revision powers of the High Courts only to cases in which an error in the exercise of jurisdiction have been committed, thereby leaving it competent to inferior courts to commit manifest mistakes of law without the possibility of such mistakes being corrected by a higher tribunal. We have drawn Section 25 of the Bill so as to restore to the High Courts the jurisdiction which for many years they were believed to possess and which it is very desirable they should continue to exercise." The Committee submit that no ground has been shown to warrant a departure from the principle laid down ten years

ago. They need scarcely add that any restriction of the powers of the High Court will be regarded as a calamity by the entire population.

6. The proposal that except by leave, and except in certain cases affecting land, there should be no second appeal where the value of the suit does not exceed, say, Rs. 500, appears to the Committee to be practically indistinguishable from the existing law, Section 586 of the Civil Procedure Code lays down that, "No second appeal shall be in any suit of the nature cognizable in Courts of Small Causes, when the amount of value of the subject matter of the original suit does not exceed five hundred rupees."

7. The proposal that appeals on questions of procedure should be cut down and that except by leave there should be no second appeal on any question of procedure, would, if adopted, materially restrict the right of second appeal. It is an undesirable fact that errors in procedure are as much a source of injustice as errors in law. The Committee can not but oppose a proposal of this kind which is calculated to perpetuate injustice and deprive for all time to come the subordinate courts of the benefit of the opinions and rulings of the highest court in the land on questions of procedure. It is perhaps not too much to say that it is on questions of legal procedure and the injustice arising from a disregard of it that the High Court have had to interfere in a majority of cases in second appeals.

8. The Committee welcome the proposal that in the presidency towns where the Small

Cause Courts have Barrister Judges, these courts should be remodelled on the English County Court plan, that is to say, that the jurisdiction as to the class of suits cognizable by them should be enlarged and that the English summary procedure should be adopted. In this connection I am directed to point out that in a petition presented to His Excellency the Viceroy and Governor General of India in Council by certain inhabitants of Calcutta in September, 1884, a similar proposal was put forward. The petitioners prayed "that a court may be established in the town of Calcutta, similar to the District Courts existing in the Mafussil with jurisdiction equal to that of the High Court in the exercise of its Ordinary Original Civil Jurisdiction."

9. The proposal that Small Cause Court powers should be more freely conferred on the Mafussil Courts and that all suits for liquidated demands within the pecuniary limits of their jurisdiction should be cognizable by them is one that the Committee cannot condemn too strongly. From what has been stated above regarding the unpopularity of the Small Cause Courts it must be apparent that this proposal, if adopted, would intensify the evil and consequently the dissatisfaction of the people.

In conclusion the Committe desire me to add that while they are completely at one with the Government in regard to the desirability of checking the increase of litigation, they cannot persuade themselves to approve measures which are, in their opinion, calculated to lead to a denial of justice and to the perpetuation of

injustice while at the same time appreciably adding to the expense and inconvenience of litigation.

I have the honour to be,
Sir,
Your most obedient servant,

RIOTINGS, 1898.*

Raja Peary Mohun Mookerjee, C. S. I., said :— During the last twelve months the one thing which I looked upon with great concern than the famine, the earth-quake, and the plague, was the widespread tendency to rioting which had developed itself in the masses. Among a peaceful and inoffensive people this manifestation of a feeling of active resistance to constituted authority was a new feature in their character. There have been several occasions on which native feeling was much agitated. The abolition of the Suttee rite, the resumption by Government of all the large rent-free holdings in the country, the enactment of the Lex-Loci Act, the enactment of the Age of Consent Act, and the tragic struggles for existence from time to time for want of food, caused no inconsiderable amount of discontent in the country, but the people either sought redress for their supposed grievances by constitutional means or quality submitted to their lot. Mr. A. Mackay showed a shrewd appreciation of native character when he said that when a villager wanted to realise a political idea he died of famine. A change for the worse has now come upon us. Whether it be the enforcement of the plague regulations, a search for illicit manufactures, a dispute about cow-killing, or any other incident distasteful to the people, they at once

* Extract from a speech delivered at a meeting of the British Indian Association.

make it a plea for creating a disturbance and defying the authorities. In the case of the late disturbance there were doubtless numbers of panic-mongers, and men panting for notoriety and ambitious of dazzling their fellows by perilous feats of daring, but what painfully struck me was that they should have found countenance and support in their neighbours. The most absurd rumours, the most ridiculous charges laid at the door of Government by their detractors, found a ready credence, and thousands were found determined, at all cost, to take the law into their own hands. The firm and prompt action taken by the police and by the courts have convinced them that lawless acts are no longer a pleasant or a profitable pastime, while the Lieutenant-Governor has with admirable tact and judgment, not only allayed the apprehension of the people regarding the plague, but has also in a great measure restored their confidence in the good intentions of Government. The lesson taught by these disturbances should not, however, be thrown away. Indian Society has undergone an amount of disorganisation which is much to be deplored. Those whom God has vouch-safed the influence of example have lost all hold on the respect of the masses. Whether it is the system of education which obtains in this country or the so-called political training which the irrepressible regiment of Congress patriots have been imparting to the people, that is at the root of the evil, it behoves Government to look about for a remedy. It should be borne in mind that men of wealth and station—men who have a large stake in the country—are the real pillars of state, that anything which strikes at

their influence and authority re-acts on the strength of the Government, that even in a subject country the concentration of all power in the hands of public functionaries is an element of weakness, and not of strength, to the state and that no useful purpose had ever been gained by the demolition of these social gradations, on the existence of which depend, not only the peace and happiness of the community, but also the very stability of the Government. Nothing could have been a greater mistake than the statement publicly made by Sir George Campbell, when Lieutenant-Governor of Bengal, that the combination made by raiyats against their landlords was their only constitutional remedy for checking the exactions and oppressions of the zemindars. Little did they anticipate at the time that when a huge stone was set rolling, there was no knowing where it would stop. Administrators, of all men, should bear in mind the memorable words of the Great Napoleon Bonaparte "that the best way to gain the people is to do them justice; nothing is more dangerous than to flatter them."

FAMINES 1900.*

Not the least important question which could engage our attention at the present moment is the famine. It is on this question that I desire to address you for a few minutes. To say that the famine is caused by a bad monsoon, by the failure of crops amidst a rapidly increasing population, is to stifle enquiry when the necessity of such enquiry is imperative in the interests of the vast millions of India. India has always been famous for its wealth, and it is only within the last few decades that the onslaught of rapidly recurring famines has laid waste this fruitful and opulent country. One naturally, therefore, looks for light as to the causes of the evil in the history of the past of this and of other countries.

In England itself, during the middle ages, there was on an average one famine in every fourteen years. The condition of the cultivating classes was then truly deplorable. As soon as the harvest was gathered, the Church carted off its fat tenth, the King's Commissioner took his twentieth, then my lord's people made a mighty inroad upon the remainder. But that was not all. There were taxes and taxes, and taxes which the poor freeman had to pay. In Spain, too, the moral causes were no less responsible than the physical for the frequent invasions of famine;

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* **Read at a meeting of the British Indian Association on 22 Appril 1900.**

while in Ireland we have the authority of Buckle for the statement that it was the poverty of the people which frustrated the efforts of Government to reduce the great famine of 1846 into a dearth and compelled Parliament to vote 10 millions sterling for the relief of the sufferers. The great Indian famine of 1770, the greatest we come across in the history of India, arose not only because the rains had failed and the rivers had shrunk within their beds, but mainly because there had been, for several years immediately preceding it, an unprecedented drain of wealth from the country, because the frightful oppression to which the people were subjected had desolated Bengal, and because on the failure of crops the servants of the Company bought the available stock of grain and offered it for sale to the people at 8 to 12 times the price they had paid for it. The next famine was the one rendered memorable by the genius of Burke—it was the famine of the Karnatic, caused by the ravages of Hyder Ali's army of 90,000 men. A partial failure of crops alone can, therefore, hardly account for a famine in a country of such vast dimensions and of such inexhaustible resources as India.

The exuberance of the produce in favoured tracts from benignant skies and a prolific soil supplies food to vast masses of the population. Macaulay speaks of the other provinces of India being nourished from the overflowing of the granaries of Bengal, even at the time of Clive, when more than one-third of its arable land lay fallow, and we know that the country of the Nile once fed the extensive Roman Empire. Nothing

could be more convincing that even an extensive failure of crops in India plays an unimportant part in the supply of the food-grain of the country than the fact that during the prolonged famine of 1876-1878 the quantity of rice and wheat exported from India exceeded 96 millions of maunds, and that during the present year, 1900-1901, when the famine is officially stated to be unprecedented in extent and intensity, the quantity of rice and rice-meal exported from India in four months up to the end of July last exceeded 28 millions of maunds. When the quantity of grain annually exported from the country is so very large, when nearly a fourth of the culturable land in Bengal and other provinces is still lying fallow, and when the opening for industrial occupations is practically unlimited, one can hardly listen with patience to any argument ascribing the incidence of famine to an increase of population. We have been accustomed to look upon accessions to the numerical strength of a nation, as of a family, as a blessing and not as a curse, and we think that Philip IV of Spain was wise in his generation when he recognized the force of the ordinances of nature and religion and decreed by a pragmatical sanction certain privileges to persons who married and immunity to those who had six children. But what in reality is this increase of population, which is made to answer for so many of our ills? The last census enumeration shows that in the North-West Provinces proper and in the Central Provinces, where the struggle for existence is greater than in any other part of India, the rate of increase was 3¼ and 9·6 per cent. respectively in the 10 years from 1881

to 1891, while in Bengal it was only 6·9 per cent. Should we call this an excessive increase of population? Let us compare it with the rate of increase in the United Kingdom; there the decennial rates of increase were recorded to be 10·8 and 8·2 respectively during the last two decennia, but the actual rate of increase would be found to be much greater if we excluded Ireland from the calculation, the population in that country showing a decrease of 9 per cent. during the last decade.

The truth can, therefore, be no longer ignored that it is the poverty of the people which is at the root of the frequent recurrence of famines in India. Even in the permanently settled provinces, after paying the numerous taxes, imperial and local, a large number of which everybody has to pay, namely, the land tax, the income tax, the salt tax, the court fees, the stamp fees, the succession fees, the license fees, the road cess, the public works cess, the chowkeedaree tax, the dawk cess, the municipal tax, the river tolls, the ferry tolls, the excise duties, the customs duties, the water rates and the pound rates, small is the number who can hold out either in capital or credit and maintain themselves and their families. In temporarily settled provinces matters are much worse. The hardship, trouble and the temporary stoppage of ordinary avocations which the process of re-settlement involves, and the money which the people are compelled to spend in order to protect themselves from the oppressions of subordinate settlement officers who do not scruple to overstate the areas of holdings, to wrongly classify the land and assess it

unjustly, are, in themselves, evils of no small magnitude. The periodically increasing assessment with its ever-increasing burden of taxation not only destroys the charm of property and extinguishes all motive for exertion and outlay of capital, but it practically reduces the cultivators to the position of serfs. It is these evils which led Mr. Thackeray so long ago as 1820 to state in his official report that a change in the system of assessment of land in the country "was absolutely necessary to arrest its progress towards ruin," and it is these taxes that led Lord Mayo much later on to sound a note of alarm in these memorable words in his despatch to the Home Government: "A feeling of discontent and dissatisfaction exists among every class on account of the increase of taxation that has for some years been going on; and the continuance of that feeling is a political danger, the magnitude of which can hardly be over-estimated." The evil has gone on increasing, and what have we come to? Out of 80 per cent. of the population who depend upon agriculture for their sustenance, about 75 per cent. are hopelessly involved in debt. Even in years of plenty so many as 40 millions of persons, according to the late Sir William Hunter's estimate, get only one meal a day. "Half of our agricultural population," to use the words of Sir Charles Elliot, "never know from year's end to year's end what it is to have their hunger fully satisfied."

Unfortunately the measures which have been taken by Government for attenuating the evil have tended simply to aggravate it. Hundreds of millions of money borrowed by the Govern-

ment of India have been spent in irrigation works and railways, with a view to minimise the chances of a famine and the sufferings of the people. These works have been constructed at an expenditure of money over which the people had necessarily no control. But they have a right to expect that the canal rates be so regulated as to cover only the interest of the cost of construction and the cost of maintenance. It is with no little pain and surprise that we find that in 1879-80, when the Madras Presidency had hardly recovered from the effects of the disastrous famine of 1877-78, Government made a profit of £350,000 in irrigation rates in the Madras Presidency alone, after paying interest at four-and-a-half per cent. on the capital outlay. This is not a singular instance. Irrigation works are of equivocal benefit to those for whose use they are constructed. They have simply weighed down industry to the ground with a heavier burden than ever pressed on them. Listen to what Lord Salisbury wrote on the subject when he was the Secretary of State for India : "If you spend money rashly in irrigation works which will not pay and cannot be used by the inhabitants, the interest of that money must be found out of taxes, which must in the main be levied on the peasant : and the end will be that, in order to save him from famine which comes once in 20 years, you will crush him under the increased burden of taxes which come upon him every year."

The policy enunciated in the twenties of the present century by Sir Henry Strachey, whose father was Private Secretary to Lord Clive, namely, that "the total want of energy and spirit,

the poverty and ignorance of the people, compose the strength of our Government," has happily long been divorced from the principles on which the Government of India is carried on. The protection of life and property, toleration in matters of religion, the education of the people, and the medical relief of the suffering are features in British Indian administration for which we cannot be too grateful. Why then does the same tale of grinding poverty come from all parts of the country? It seems as if the country was doomed. After reviewing the causes of a similar state of things more than a century ago, Sheridan answered the question by saying that " this damp of death is the mere effusion of British amity, we sink under the pressure of their support." However that might be, not a few considerations point to the necessity of material changes in the system of British Indian administration. It is not for me to suggest what those changes should be. I shall content myself with asking the people of the United Kingdom a few questions bearing on the subject of famine. Is it not a matter of the most serious concern to you that the people of a country, so richly endowed as India, a people placed by Providence under your fostering care, and who have contributed in no small measure to make the British Exchequer the richest in the world, should drink misery to the dregs and die of starvation by millions? Have their industry, their frugality, their patience and meek resignation in the extremity of suffering, and, not the least, their loyalty which has shown depths in their nature which the hand of trial alone can sound, no claim to your sympathy, to your senti-

ment, if not also to your gratitude? Would you allow the deep-rooted allegiance of the people to the British Throne to be ever and anon put to the test of hunger and destitution, a combination which kills all sentiment? Would you allow the food-grain of the people to be sold and exported to foreign countries in order that they may pay the taxes imposed upon them, while deluding the world, which knows nothing about their sacrifices and privations, with the belief that such exports are signs of prosperity of the Indian ryot? Has it never struck you that, whenever a famine has declared itself, the money that has to be spent in organising relief measures and in giving relief is usually enormous, that enormous loss is also sustained by remissions and suspensions of land revenue, that the heavy financial burden thus cast upon the Government cripples the administration in the performance of its functions, that the famine work involves a demand upon the time and energies of public officers, which is met only at an immense sacrifice of their legitimate work, and that in such circumstances it is poor wisdom to think only of the present and not to cast a thought upon measures for lightening the burden upon the people, the only true prophylactic against famine? Are you aware that vast expenditure is incurred in the periodical settlement of land-revenue, that the return yielded in increased revenue is sometimes not more than 1·7 per cent. of the cost of settlement, that after a settlement has been made, abatements of rent and remissions of arrears of rent have to be given year after year in order to induce the ryots to hold on, that defaulting

holdings put up to sale do not find purchasers, and that, in short, re-settlements of land-revenue are in a large number of cases a losing game in the long run ? While regarding with the greatest disfavour all taxes not constitutionally imposed, did you ever care to enquire whether the relief given to a famished population and the money spent in making ill-advised settlements of land-revenue are not an unwarrantable and an unjust tax upon the population of the unaffected parts of the country ? And, lastly, has it never struck you that the British Indian Government, commanding unlimited resources and strong with the strength of civilization, can well afford to rule a peaceful and inoffensive people with a much cheaper administrative agency, and thereby to lighten the burden upon the people, and bear the message of life and plenty to famished millions ?

RAJKUMAR COLLEGE FOR BENGAL 1900.*

I desire on the present occasion to say a few words on the movement for a Rajkumar College for Bengal which is at present receiving considerable attention. The importance of the movement is assured when His Excellecy the Viceroy has publicly borne testimony to the excellent results produced by similar institutions at Lucknow, Ajmere and Raipur and His Honor the Leiutenant-Governor has expressed his full sympathy with the project. The question is, however, one which cannot be too critically examined, as it effects the culture and character of generations of men who, by their wealth and power, exercise no inconsiderable influence on the well-being of the people. Now, you will admit that for the purposes of education, it is a terrible misfortune to be born with a golden spoon in the mouth and to be never permitted to forget even for a moment that the boy will one day be the owner of vast possessions. The enervating action of such dreams and expectations becomes aggravated as the boy grows up in a sphere of servile flattery. Education has no charm for him. He looks upon it in open scorn as a thing by which humbler people get their bread. He has hardly any regard for men without title and a long pedigree, however great their natural gifts and attainments might be. His mind revolts from

* A speech delivered at a meeting of the British Indian Association.

the labour, the privations and the rough and tumble of the student's life. His ambition and desires are confined to palatial buildings, extensive sporting grounds, modish equipages, and a handsomely stocked stable. Truly has the author of "Paradise Regained" said that riches are better fitted—

> To slacken virtue and abate her edge
> Than tempt her to do aught may merit praise.

All this may be mitigated only by sending the youth, so placed, to a public school. It is there that he finds in what a fairy land of affection he has been fostered, by what a narrow horizon his early life was bounded and how full it was of gorgeous but ephemeral colouring. It is there that he begins the battle of life, and is called upon to measure his strength on equal terms with the young men around him. It is there that his heart is strengthened against slights and disappointments and the aggressive pride of birth and wealth is curbed and the intellect stimulated by intercourse with more gifted young men of humbler positions. And lastly, it is there that he learns that rank is but the guinea stamp and that students, who may care a great deal for the man, will not care a straw for the Raja's or the Maharaja's son. To the sons of noblemen and large landholders therefore the discipline and training of a public school are not only highly beneficial but indispensable. They should be trained as young men—not as young Rajas and Maharajas. Nothing else will remove the lively consciousness of their own importance, quicken and invigorate the understanding and

open and liberalise the mind. Even, therefore, if organised on the school system and not on the tutorial system, the proposed Rajkumar College would, by its very exclusiveness, mar its own object. Far from making the students "come out of isolation" as the Viceroy hopes it would do, it would create an estrangement between the noblemen and the people, more marked than what exists at present. However large its income may be, the teaching of the sons of wealthy landholders and noblemen would be much inferior to the teaching received in public schools and colleges by young men of humbler means and positions, while the absence of filial connection with the University would deprive the proposed Rajkumar College of those guarantees for a sound system of teaching and for the maintenance of proper discipline, which have been found to be so essential to success. In a country in which an exaggerated deference is paid to the claims of wealth and rank and such deference leads to most baneful results on the character and opinions of the sons of noblemen, it would be a misfortune to deprive them of the advantages of a University education. The idea of giving them a training under an exclusive system is not a new one. The result of the experiment was, however, admonitory and not encouraging. Although placed under the superintendence of the most erudite and accomplished native scholar India had seen for many a year, the Wards' Institution was far from a success. No less instructive in this respect is the case of the venerable Scotch Peer whose brilliant parts, combined with the highest

culture, have not protected his public career from the stain of intense pride and self-consciousness with his admirers and detractors alike ascribe to his having been brought up under private tutors. The Viceroy's expression of pleasure at the result of the Rajkumar College in Rajputana, Oudh and Central India must be taken with qualification. It must have been naturally gratifying to His Excellency to find that, in the midst of an ignorant population, the sons of the native Chiefs and Taluqdars, who were equally uncultured before, have begun to receive some sort of education. To a distinguished University man, the hole and corner system of education, which is the very essence of the idea of Rajkumar Colleges, could never commend itself as the proper system for the training of youth. I would, therefore, ask the projectors of the proposed College to ponder well before they take a definite action in this matter. It is true that the education question admits of no final solution in a state of progressive civilisation, but, in a matter of such vital importance to the country, I would have been guilty of an apostacy from my pet theories of life and education, if I had refrained from speaking out about a scheme which seriously militates against those theories.

IRRIGATION CANALS. 1901.*

In reply to your letter No. 46, dated the 26th ultimo, I have the honor to submit the following observations on the question of construction of irrigation canals as a protection against famine. Before answering *seriatim* the questions on which information has been asked for, I beg leave to make a few observations of a general character regarding the efficacy of irrigation canals as a protection against famine.

Although a few irrigation canals were constructed during the Mohamedan Dynasty it is tanks, wells and reservoirs of water that have from time immemorial supplied the means for irrigating land lying beyond the banks of rivers and other natural streams. These were excavated by landholders and other wealthy inhabitants of villages as well as by well-to-do ryots from motives of self-interest, charity and religion. Once excavated they lasted in an efficient condition for 20 years and more and they involved no charges for maintenance and management. A very large number of these tanks and wells have silted up in course of time and, excepting a few rich men, people now find themselves unable for want of means to undertake new works or to bring old works into an efficient condition by re-excavating and deepening them. It is to the virtual stoppage of enhancement of rent and of the adjustment of

* A letter to the Superintending Engineer on special duty.

the rates of rent in accordance with the increased value of agricultural produce, the depreciation of the value of money and the imposition of the cesses that this want of means is unquestionably due. Land-holders who spent, say Rs. 2,000, a year before the imposition of the cesses in agricultural improvements have now to pay Rs. 4,000 as cesses and they have naturally ceased to spend any money in such works, the more specially as they do not now get any return for the same. The best thing that could be done to provide against drought and famine is to make it incumbent on District Boards to spend a large sum of money every year out of the cess fund for the excavation of new tanks and wells and the clearance of silted up *khals*, *nullas*, tanks and wells in every district. Out of the sum of Rs. 80 lacs or more realised as cesses in these Provinces the expenditure of 8 or 10 lacs of rupees a year in such works would make in a few years the best possible provision against drought and prevent the recurrence of scarcity of drinking water for men and cattle which has been lately becoming alarmingly frequent. It was truly observed by Lord Northbrook that his famine experience was opposed to the extension of irrigation canals and that " the principle which should govern the choice are clearly set forth in the Government Resolution where I note with particular satisfaction what is said in favor of multiplying wells and tanks and utilising *nullas* in preference of the too exclusive elaboration of grand schemes on the scale of those in Orissa and elsewhere."

The arguments in support of the desirability of extending irrigation canals as a protection

against famines, not excepting those so forcibly pressed in 1868 upon the consideration of the Duke of Argyle by Lord Lyvenden's Committee and extorted from His Grace his sympathy and countenance betray complete ignorance of the rural economy of the country and of the condition of the people of India. On the following grounds I am of opinion that the further extension of irrigation canals as a protection against famine would be a grave mistake.

(*a*) The fact cannot be gainsaid that such works are not needed for increasing the food supply of the people. I shall content myself with quoting on this point the remarks of Colonel Chesney who had charge of the Public Works Department of the Government of India for several years. "When the cause of Indian famine is said to be that an insufficiency of food has been produced in the districts affected General Strachey retorts that this also is the chronic condition of the United Kingdom, which produces barely more than half of the food required for consumption by it, and that India tried by this standard is far better off than great Britain. * * * * India has never been compelled in its worst season of scarcity to obtain food from abroad as England is obliged to do from day to day."

(*b*) Nothing could be wiser than the remark made by Lord Salisbury as Secretary of State for India that the real remedy

to famine and scarcity lies in improving the condition of the people and enabling them in years of plenty to make money enough to lay up against times of famine. The imposition of a water-rate which has to be paid every year in view of a drought which occurs once perhaps in 10 or 15 years would have quite the contrary effect. The interest on the capital outlay and the charges for maintenance, management and distribution, even if Government were to give up all idea of making the work paying, necessitate the imposition of the water cess at a rate which leaves little margin to the cultivator after paying costs of cultivation, the land rent and the cesses. The necessity of caution in burdening the people with taxation for purposes of water-supply is obvious. It would be a feat of doubtful wisdom to rescue the people from the calamity of drought only to land them in a state of pauperism.

(*c*) The duty of water being dependent upon rain-fall the efficiency of irrigation canals which are fed by rivers can't be relied upon. In ordinary times canal water has to be forced upon the people but in seasons of drought its utility is very limited as the rivers run dry and the supply fails when it is most needed. Even when the supply is ample it can't

possibly replace nature and do the work of "ripening showers." Only a small area is beneficially watered, some fields are swamped and rendered unfit for cultivation, some irrigated too late to save the crops, while outlying fields which also are classed as irrigable lands receive perhaps no water at all when irrigation is most wanted. In the case of the Eden Canal we have your authority for the statement that although "the area commanded is quoted in the Rules as 50,000 acres and the area under long lease is 26,000 acres but the area which can be satisfactorily irrigated in a year of drought, such as 1900-1901 is only about 16,000 acres." Irrigation canals should therefore still be regarded as experiments of the most speculative character and instead of being held up to the admiration of the public should be quoted rather as warnings than examples.

(*d*) Irrigation canals divert the water from natural streams and thereby deprive certain sections of the community of benefits conferred on them by nature by diminishing their supply of water and materially affecting their fishery rights. Now that people have become keen about their legal and prescriptive rights it would not be at all surprising if every new canal should give rise to a number of

law-suits in which landholders and ryots join hand in hand to claim heavy damages for the wrong done to them.

(*e*) Irrigation canals are not, even for purposes of watering crops, an unmixed blessing. While in years of drought they do some good, they do incalculable damage in years of heavy rainfall. It has been well-observed by Mr. Odling that "provision must as a matter of fact be made for the escape into drainage channels of a quantity of water equivalent to the full discharge of the canal" in order to prevent the country from being flooded. And in another place he says that "efficient drainage is an almost necessary adjunct of successful crop-raising by canal irrigation." No wonder that "the water rate" as has been remarked by you "does not meet the charges of maintenance and management," and on the other hand the cost of the works required for an efficient irrigation scheme, I mean the cost of the canal itself, of drainage works, of weirs, regulators and distributory channels, and the capitalised value of the charges for maintenance and management swell up the total to such a large figure as to make it necessary to impose a ruinous water-rate upon the cultivators. It is an

ambitious attempt to replace nature by art and to modify the physical features of a country on an assumption of wisdom and foresight to which no man can justly lay claim.

(*f*) But not the least objectionable feature of irrigation canals is the effect they have on the health of the community. On this point I shall let Mr. Odling speak for himself ; " I am afraid that the statement that irrigation canals tend towards the spread of malarious fever is not without foundation. The injury to the public health, so far as the canals are concerned, is due to three causes, but chiefly to the extra quantity of water poured on the land, which is equivalent to increasing the annual rainfall from 50 to 75 per cent. The land is kept more thoroughly and constantly in the condition of a marsh, and this tends to induce the spread of malarious fever. * * * * * * A second cause applicable to Behar only, is that large areas of land formerly cultivated with wheat and other *rabi* crops are now devoted to rice and this land is for five months in the year kept covered with 4 to 6 inches of water. * * * The third cause of injury to the public health is a variation of the second and is common to railways and roads as well as to canals. It is frequently necessary to

procure earth from side cuttings and but little care has been taken, where such are necessary, to have regard to anything but economy of construction. The injury which may result to neighbouring houses by the gradual drying up of these stagnant water has not, so far as my experience goes, been thought of sufficient importance to be taken into account."

(*g*) By reason of the water-rate being recoverable as a public demand the impediment it places in the way of collection of rent by land-holders should not be lost sight of. After the Mohajun has been paid the price of seed grain, the costs of cultivation and harvesting and the cost of subsistence, and the water-rate has been paid or recovered by coercive measures there is usually not enough left to meet the landlord's demand for rent and cesses. In so far therefore the imposition of the water-rate is a downright wrong done to the landholders.

I shall now proceed to answer your questions *seriatim.*

I. The District of Hooghly suffered only twice in my experience from famine caused by failure of crops from drought, once in 1865-66 and after it 1874-75. Relief centres had to be established and thousands of men,

women and children fed at the public cost. The mortality it caused was not heavy but since to a higher figure than what was then reckoned as famine price. In consequence of such rise there has been great distress among poor men of the low classes as well as among poor Brahmins and Kyestas. The number of men who live on only one meal a day is not inconsiderable.

II. A number of new tanks and the clearance of old tanks would do much to prevent failure of crops in seasons of drought. The Eden Canal has undoubtedly done much good but the water rate presses heavily on the ryot. The construction of the proposed weir and distributory works for regulating the supply of water and the clearance and widening of the Banka *Nulla* at a total cost of 11 lacs of Rupees should not in my opinion be undertaken. The water rate would not meet the charges for maintenance and management and interest on outlay.

III. I am unable to say over what area there is likely to be a demand for the canal water. On a rough guess I should think that three-fourths of the land commanded by the Eden Canal is cultivated with rice and only one-fourth with *rabi*.

IV. Rupee one per acre for rice and Rs. 3

per acre for *rabi* crops would not be high rates in years of drought. Cultivators would gladly pay double or treble those rates in seasons of drought. It is the obligation to pay the rate in good years that tells seriously upon their condition and resources.

V It has been said on the basis of American experience that long-continued and extended canal irrigation does injure the soil and ultimately convert it into an unculturable waste. I have quoted above expert opinion to the effect that canal water does flood the country and cause damage in wet years.

VI. The proposed works in connection with the Eden Canal are likely to benefit cultivation but to render the condition of the cultivators worse by creating a necessity for increased water-rate.

PERMANENT SETTLEMENT AND THE PRESENT BODY OF LANDHOLDERS 1918.*

In order to realise a correct view of the effect of the Permanent Settlement on the landholders it is necessary to bear in mind that out of the thousands of landholders of the present day hardly 8 or 10 families represent the persons with whom the ancestors the settlement was made. The rest purchased their estates and tenures with money acquired by service or trade and paid a high price for their property in land. It is well known that the Permanent Settlement was made on very exacting terms. A large number of Zemindars declined to take the Settlement and were content to take compensation money for the loss of their proprietory rights. The new Zemindars found it difficult to bear the heavy burden of land revenue imposed by the Settlement and the result was that a large number of estates was sold every year and the land revenue suffered seriously. A number of zeminders rack-rented their ryots and they were encouraged in their conduct by the co-called Huptum and Punchum Regulations (Regulation VII of 1799 and Reg. V of 1812). This was soon found to be so very oppressive that the Regulations had to be repealed. It was not till 1859 that we got legal provisions for regular suits for enhancement of rent, but Act X of that year was so very one-sided in its

* Extract from a Speech delivered at a meeting of the B. I. Association.



THE RAJA. (*in 1904*).

policy and so wantonly sacrificed the rights of landholders for the benefit of the ryots that it made the institution of suits for enhancement of rent quite impracticable. Since then there have been virtually no suits for enhancement of rent in Bengal and the whole value of the unearned increment has been enjoyed by the ryots, I mean by them and their Mahajans. The amount of rent-roll shown by the Road cess returns from which Lord Curzon and Sir John Woodburn took their figures is very deceptive. The amount which is supposed to be the total rent payable to the landholders includes not only (1) rents payable by cultivating ryots for lands held since the Permanent Settlement but also (2) rents of lands which landholders had reclaimed at considerable cost, (3) the amount of annual value collected by the rent-freeholders and (4) the amount of rent collected by tenure holders (Sec. V. Bengal Tenancy Act and Sec. XIII of Act X of 1871 B.C.) from their under-ryots. All these four items are required by law to be included in the rent-roll of the estate. They enormously increased the amount of the rent-roll, so much so that I doubt whether the total rent-rolls returned by the zeminders as distinguished from the amounts returned by rent-freeholders and those returned by tenure holders and rent for reclaimed lands would amount to more than 4½ or 5 crores, and not 16½ crores as stated by Sir John Woodburn. The zeminders would welcome with pleasure the appointment of a committee to enquire into the whole question of amount of unearned increment as regards each estate and the manner in which it is distributed.

COTTON CULTIVATION IN BENGAL, 1905.*

The backward state of cotton cultivation in India strikes one as an anomaly when one reflects that it is the chief article which clothes her millions, that India is the birth-place and nursing ground of cotton manufacture, that the arts of spinning and weaving cotton were known to the Hindus long before the Egyptians wove their clothes with the fibrous bark of their native flax and that those arts flourished here even before the date of authentic history. It is from India that cotton manufacture spread to different countries, towards the East to China and Japan towards the West and across the continent to Europe, and, perhaps, also to the farthest antipodes.

Wool and materials for linen were never wanting in India, but the people were not slow to perceive that cotton clothing was more agreeable to wear in temperate climates and in torrid zones, and that it was much better calculated to preserve the warmth of the body than linen. It is to the manufacture of cotton, therefore, that the ancient Hindus directed their attention, and they gradually acquired a flexibility of fingers and a dexterity of manipulation which adopted them in a remarkable degree to the finest and most artistic operations of the loom. They thus succeeded in attaining unapproached perfection in their fabrics of cotton, and have maintained their supremacy for ages, in spite of the marvellous appliances which science has

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* A. paper read at the first Industrial Conference at Beneras 1905.

placed in the hands of foreign manufacturers. The cotton piece-goods, calicoes and muslins which were manufactured in the country not only formed the staple clothing of the people of India, but were also sent out from remote times, in large quantities, to Arabia, Greece, Turkey and other countries. Towards the end of the seventeenth century the beauty and cheapness of Indian muslins, chintzes and calicoes attracted the attention of the English and the quantities in which they were imported to England by the East India and Dutch Companies raised a loud out-cry against the admission of Indian goods to the prejudice of English woollen and silk manufactures. The desired protection to English manufacture was given by Acts XI and XII, William III Chap. 10 (1700), which forbade the importation and use of Indian silks and calicoes under a penalty of £ 200 alike on the wearer and the seller. The other Governments, too, of Europe found it necessary to prohibit them, or to load them with heavy duties in order to protect their own manufactures. The check thus imposed on the growth of Indian cotton manufactures was further aggravated by the introduction of the fabrics of Great Britain in Bengal to an extent which proved the ruin of the manufacture of cotton in India. Even so early as 1831 a large number of Indian manufacturers petitioned the Lords of His Majesty's Privy Council for Trade representing the disastrous effects caused by English enactments and import duties, and praying their Lordships "to allow the cotton and silk fabrics of Bengal to be used in Great Britain free of duty or at the same rate which may be charged on

British fabrics consumed in Bengal." But this reasonable prayer was not granted. The result was the surprising commercial revolution which was effected in the mutual relations of the two countries. India, so long superior to Europe, India, which inundated the West with products of her looms and exhausted the riches of Europe, even India, so long a victor, now lay vanquished in her turn, a prey to foreign commercial aggression. The British merchant carried the raw material to his country, committed it to the operation of the machine, carried back the products to the East, and, in spite of the loss of time and the enormous expense incurred by the double transport, sold the cotton fabrics at a price less than the price of the cotton spun and woven by the hand near the field that produced it, and sold at the nearest market.

The loss to the country occasioned by the transfer of the manufacture of cotton piece-goods from India to England has been aggravated by the state of Cotton cultivation in India. By far the largest portion of cotton goods imported from England is spun from American cotton. It has driven Indian cotton out of the European markets: while even in our own country the raw material available for manufacture in the mills, is fit only for the manufacture of rough and coarse fabrics. Should the success of the Swadeshi movement lead to the establishment of a large number of cotton mills in India, we should have to face the difficulty of getting an adequate supply of good cotton for our mills. The area under cotton in India and Burma has varied from 9 to 11 millions of acres between 1890 and 1903; while in Bengal

the area under cotton, which has never been large, has shown a tendency to decline. In 1898-1899, the area under cotton in Bengal was 151,500 acres ; but in 1902-3, it came down to 87,400 acres, and in 1904-5, it was as the Hon'ble Mr. Carlyle declared, on the 2nd of December last, from his place in the council chamber, only 90,000 acres.

It is not, however, merely in quantity but in quality as well that cotton production is in backwards state in Bengal. Bengal cotton is much inferior to foreign cotton. Not only are the filaments wanting in proper length and strength, but dirt, seeds, leaves, the broken shells of pads, and the rubbish collected from the ground are permitted to be mixed up with staple. It is further adulterated by middlemen by the admixture of old and inferior cotton. The inferiority of the staple and the admixture of impurities are due not so much to the neglect and ignorance of the cultivator as to his poverty. The ground is not well prepared, the soil is not thrown up into ridges, the seeds are not carefully selected, and are sown broad cast, the fields are not carefully weeded, the soil is not treated with suitable manure, irrigation is neglected, and the ryot does not wait for reaping his crop as it ripens and the pods open, but is obliged to sell the crop very often before it is ripe in order to pay the land rent and the costs of cultivation. It is small wonder that in such circumstances the quality of the cotton is not what it should be, and that the yield is barely 20 lbs per bigha, while the average yield in America is more than 200 lbs per acres. Long before America presented herself as a rival, the qualify

of Indian cotton had attracted the attention of the Court of Directors. In 1803, they complained that dirt and leaves mixed with the wool had depreciated the value of the cotton sent them, and in 1810, they wrote to Bombay "that no excuse will hereafter be admitted by us for the foulness, dirt and seeds which are permitted to remain mixed with the cotton; and it is our positive orders that the commission be not paid to any commercial resident whose provision of cotton shall be faulty in this particular."

In their laudable endeavours to develop the material resources of the country the Government of India have made for no one object such earnest and persistent efforts or undergone such heavy expenditure of money as far the extension and improvement of cotton cultivation in India. The experimental cultivation with American seed was made so early as 1828, model farms were established in a number of places, every attention was paid to the improvement of the indegenous varieties, cultivators were encouraged to adopt foreign crops, prizes were given for fine specimens of produce and long leases on easy terms were granted to properly qualified Europeans on their engaging to grow approved kinds of cotton. I would refer those who wish to read the history of those experiments to Dr. Royle's "Culture and Commerce of Cotton." These experiments have been attended with a certain amount of success both in the Bombay and Madras Presidencies as well as in Central India. It is a recognised facts that the Bombay Presidency in spite of its area is the largest cotton growing Presidency in India.

There is no future for cotton cultivation in Bengal so long as it depends solely on the resources of the cultivators. Ignorant of the rules and methods of growing a crop with which they are not familiar and which required careful cultivation, wanting in enterprise enough to undertake it with the risk of failure and an uncertain prospect of profit, the Bengal ryot, unaided, would be wholly unable to produce cotton of a certain quality and send it to the market in a condition capable of challenging competition. The superiority of Bombay cotton is due to merchants and mill-owners having come into closer connection with cultivators in the matter of the cultivation of the staple and the harvesting of the produce, after they had despaired, from long experience, of leaving the processes to the ryots themselves. It behaves the land-holders of Bengal and Orissa, to take an earnest interest in the cultivation of cotton in their estates and to direct to it their most unwearied exertions, cotton is at this moment one of the most paying crops in India, and fortune is within easy reach of those who may invest their money and devote their energies to its cultivations. By the last official returns there are more than 13 millions of acres of cultivable waste in the Provinces of Bengal. The soil and climate are favourable to the cultivation of cotton. Experience has shown that it grows equally in the sea-board, in alluvial flats and in the uplands, and we may hopefully rely upon the advantages of a soil recovered fresh from Nature's hands. All loamy, calcareous and even kankur and sandy soils are suitable for the cultivation of cotton. It is only stiff,

claying and damp-soils, and too rich soils that make crops run into stalks and leaves, which should be avoided. The seasons for sowing cotton are at the end of the monsoon after the heavy rains were over and, in some places, at the beginning of winter. Deep ploughing is essential for the cultivation of cotton. It enables the plant to get an extra amount of nourishment, and as observed by the late Mr. Revett Carvæ, it makes "the plants much stronger and healthier than their neighbours." The clods should be broken and the soil well pulverised and thrown up in ridges. Too much care can not be taken in a judicious selections of the seed. Men of ability, distinguished for their practical knowledge and scientific acumen, have devoted their attention to the question of selection of cotton seed for India. A number of gentlemen recommended the introduction of American or Egyptian seed and their acclimatisation in India, while the result of the experience of other persons is that although the best crops are obtained from freshly imported seed, the foreign variety grown from acclimatised seed rapidly degenerates. Men are, however, not wanting who would have nothing to do with foreign seed, and would rely on the gradual improvement of the indigenous seed by careful cultivation of the crop and selection of the seed. Mr Carlyle observed truly at the meeting referred to above that the question is still at the experimental stage. The seed having been selected, it would be soaked in cow-dung and water or in a solution of salt-petre for 12 hours and then allowed to dry in the sun for an hour. The seeds should be drill-sown, two or three seeds being

dropped into each hole about three feet apart and covered with a little earth. The cost of the ridge system exceeds but a little, the cost of the broadcast system, but its evident advantages in respect of weeding irrigation and reaping are great. When the plants are five or six inches high, and, if necessary once or twice afterwards, the grasses and weeds should be thoroughly eradicated. It is necessary also to thin the crop, the strongest plant only of each culture being left, and if the plants grow too luxuriantly, the tops should be nipped off and the growth of lateral branches encouraged. Mr. Chapman truly says in his valuable work published only a few months ago that the agricultural chemistry of cotton is still in its infancy. But there can be no question that substances containing phosphates of lime, such as cotton seed cakes, ashes of cotton plants and bone dust could be profitably used as manures for cotton crops, while all nitrogenous manures should be avoided. The doubt once entertained as to the efficacy of irrigation in cotton cultivaton in longer exists. It is now allowed on all hands that cotton of fine quality cannot be grown without the aid of irrigation . The rapid development of Egyptian cotton is due to the cotton fields being periodically flooded by the water of the Nile. Nothing could be more emphatic on the point than the statement made before the Colonization Committee in 1858 by Mr. Balston : " The effect " he said of irrigation on the cotton plant of India is to raise it from small stinted annual, producing 50 or 60 lbs. of clean cotton per acre, to a large perennial plant, producing 400 to 500 lbs equal in quality to any-

thing grown. * * * It improves the quality of the cotton, and brings it up to the standard of the American crop. * * * Water never fails to lengthen the staple of Indian cotton."

The harvesting of cotton is an important process. The picking should be begun as soon as the capsules opened, and they should not be allowed to fall to the ground. Three pickings should suffice to secure the whole crop. The first and best pickings should be kept separate from the inferior cotton picked afterwards, and the seeds should be taken from the largest and the best developed of the pods picked from the plants. Selection of seeds thus made would improve their quality at each successive cultivation, and it is not too much to hope that Indian cotton would gradually hold its own against the best New-Orleans and Georgia.

About three quarters of the raw cotton of the world is raised in the United States, and about four-fifths of the cotton manufactured in Manchester comes from America. But as the American cotton crop has not kept pace with the increase of manufacture of cotton, England has naturally become anxious to increase the supply of raw cotton from the countries which constitute her vast Empire, and to gradually lessen her dependence on America. This anxiety found expression in the speech His Majesty the King Emperor made in Parliament in February, 1904. "The insufficiency" he said, "of the supply of raw material upon which the great cotton industry of this country depends has inspired me with deep concern. I trust that the efforts which are being made in various parts of my empire to

increase the area under cultivation may be attended with a large measure of success." It is the interest both of England and of India to make all possible exertion to supplant American cotton in the English market. The Government of India has been alive to the importance of the subject from a very long time. In 1788 the Court of Directors called attention to the cultivation of cotton in India " with a view to affording every encouragement to its growth and improvement " The Government of India has spared themselves neither time nor money to improve and extend the cultivation of cotton in this country, but although they have met only with the partial success in some places, it cannot be acknowledged that they have succeeded in the task they have set themselves. In Bengal, at least, it is the land-holders who are responsible for this failure. They have been wholly apathetic as regards the cultivation of this important crop. Possessing the advantages of a suitable soil and favourable climatic conditions, they have hitherto neglected an industry which, whether they be moved by self interest or actuated by feelings of patriotism, more than demands their strongest support. By undertaking the cultivation of cotton in our estates and denoting our best energies to the enterprise we shall render the supply of cotton elastic in the English market which provides our clothing, we shall make the success of the *Swadeshi* movement in the matter of clothing India's millions with home-made fabrics possible and shall open a new sphere of activities which would lead to the prosperity both of the landholders and their ryots.

LANDHOLDERS AND RYOTS, 1905.*

The Bengal Tenancy Act established a system of monitorial interference and control by the courts and public officers in respect of all transactions affecting the relations of landlords and tenant which would have flooded the Courts with law-suits had not the good sense of the ryots prevented them in embarking in litigation which would have been ruinous to their landlords and suicidal to themselves. But the failure of the anticipated results has given birth to schemes and proposals that have created no little alarm and anxiety. It is a standing grievance with landholders that despite repeated promises, no facilities have been given them for the recovery of admitted rents that suits for recovery of rent, more than 80 per cent. of which decided exparte or on confession, involve costs in the shape of Court-fees and process-fees which are ruinous alike to landholders and ryots and that the law for the registration of transfers of ryots' holdings, although found to be unworkable, has not been amended within the last nineteen years. And yet it has been proposed to add to the difficulties of landholders by preventing amicable settlements of rents, by making rent suits still more expensive and by providing for the interference by executive authorities with judicial decrees, a thing hitherto unknown in India and opposed

* A Speech delivered at a meeting of the B. I. Acts.

to all principles of jurisprudence. No doubt we are all the better for being a little looked after and it is natural that the reputed wealth of landholders should offer a mark for the shafts of criticism and that it should point to the direction in which the imposition of obligations and the restriction of rights could be easily endured. But have our critics ever seriously considered what foundation there is for the assumption that the landholders as a class are exceptionally rich? They will find from the statements prepared by District Collectors for the purposes of the road cess and public work cess that the total annual value of a estates and tenures, that is, their total rent-soll amounts to Rs. 17,84,24,533. Deducting from it the land-revenue, the cesses, collection charges at the moderate rate of 6 per cent. and the assets of Government khash Mohals, of revenue free rentfree and pirutter lands, and without making any deductions on account of the heavy costs incurred by landholders for recovery of rent by suit in court, the maximum amount which could be assumed to be of the profits of landholders does not exceed ten crores of rupees. This sum distributed over about 2,44,000 estates and 1,200,000 tenures—would give to the owner of each estate or tenure an average annual profit of only Rs. 69, that is, something less than the yearly wages of an agricultural labourer. If we were to take into account in the calculation the incomes of the princely houses of Bengal and Bihar the profits which fall to the share of the majority of landholders would be considerably less. Can anything be more disconcerting to those who have worked themselves up to a high

pitch or virtuous indignation over the ill-gotten wealth or landholders to find that there was really no occasion for hysterics?

As regards landholders who are really wealthy and who form a microscopic proportion of the general body of landholders, our critics would do well to bear in mind that, with the exception of a few whose number may be counted on the fingers, they are not the descendants of the men with whom the Permanent Settlement was made and their wealth is not the result of the unearned increment arising from the increase of price of agricultural produce and the progress of civilising institutions but the fruit of their industry and providence. The terms of the Settlement were so very hard to the landholders that for several years after 1793 a large number of estates were annually sold for default of payment of land-revenue and most of the original owners were reduced to lacklanders. By these revenue sales as well as by private bargain, the estates have passed into the hands of men who had acquired their wealth in various services, trades and professions and who had paid an adequate price for every rupee of profit which they now enjoy. In such circumstances it passes my ability to distinguish measures tending to infringe the vested rights of landholders and imposing fresh taxes on land from schemes of public spoliation. Nothing is a greater mistake than to suppose that it is necessary ever and anon to regulate the relations of landlord and tenant in these Provinces, any more than it is necessary to restrain ryots by legislation from borrowing money at usurious rates of interest or selling their holdings outright. "The

zemindars," as was truly observed by the late Justice Field, "are not a body of foreigners placed by brute force and right of conquest over tenants alien to them in race and religion, nor do they trace their titles through a maze of outlawries forfeitures, confiscations pardons and reversals." Various experiments have been made within the last 50 years by subjecting their transactions to the scrutiny of the Courts and executive officers with the result of increasing litigation to an alarming extent and causing an estrangement between parties between whom the best of feelings should exist. Let one more experiment be tried by restoring except in the case of vested rights, perfect freedom of contract in land as in other matters. Government has done the pioneering in this direction in their khas mahals. Will anybody venture to say that the ryots in private estates fare worse than in Khas Mahals? Listen to what Sir Ashley Eden said after he had made a tour through the Province. In speaking of the ryots of private landholders he said "I find them now as prosperous, as independent and as comfortable as the peasantry, I believe, of any country in the world; well-fed, well-clothed, free to enjoy the full benefits of their labour and able to hold their own and obtain prompt redress of any wrong" Sir Richard Temple, too bore testimony to the same effect.

RECOVERY AND SETTLEMENT OF RENT, 1905.*

1. Raja Peary Mohan Mukherji, who spoke on behalf of the British Indian and Bengal Landholders' Associations, alleged that great difference existed in regard to the methods of recovery and enhancement of rent in Government and private estates, as shown by the reports on Civil Justice issued by the High Court and those on Land Revenue Administration issued by the Board of Revenue. The total collection of rents in Government estates was over 100 *per cent.* of the current demand in the year 1903-04. On the other hand the Report on Civil Justice for the year 1903 shews that there were 337,023 suits for the recovery of arrears of rent; and, if it be assumed that the total rental of zemindars is 10 crores of rupees, there was one suit for every Rs. 296 of rent. There were 90,233 suits of a value below Rs. 10. Zeminders have to write large arrears of rent off their accounts in order to avoid the heavy costs of instituting suits. On all those grounds, therefore, they should be given facilities for collecting their rents, and not have obstacles put in their way. The result of execution proceedings is very unsatisfactory. In the year 1903, out of 460,970 cases, there were partial realizations in 111,949 cases and complete realizations in 136,326 cases; while 212,695 cases were infructuous. The Court

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* Extract from the Report of a conference held at Benares, 1905.

of Wards, which has all the prestige of Government to back it, collected, in the year 1901-02, 26·6* *per cent.* only of the amount due to it by means of execution proceedings. The Report on Civil Justice for the year 1903 shows that there were 569 suits for enhancement and abatement. If it is assumed that half of these suits were suits for enhancement and that half were suits for abatement, there were only about six suits for enhancement of rent in each district of the Province. Since the passing of the Bengal Tenancy Act enhancement by amicable arrangement is the only possible method that the zeminders have of securing enhanced rents. Before the passing of the Act there were thousands of such cases. No restrictions on the rights of zeminders can be imposed without compensation, as a reference to the Parliamentary Committee's Reports of 1832 will show. The depreciation of silver has also to be considered. Now that silver has depreciated, the zeminder receives less in the shape of rent than he did in years gone by. The costs of enhancement suits are heavy alike for zeminder and ryot, and amicable arrangement is, therefore, desirable in the interests of both parties. It is much to be regretted that it is the object of one of the amendments of the Bengal Tenancy Act to prevent such compromises. The speaker would like to know why Government in dealing with its own estates acts on a different principle to that which it propounds for zeminders. In the

* On the other hand, in the year 1902-03 the percentage was 47·3; and in the year 1903-04 it was 70·2.
A. Earle–28-1-1905.

Palamau Government Estate, for instance, there has recently been an increase of 29 *per cent.* in the rent-roll, while in the Damin-i-koh Estate there has been a 50 *per cent.* increase, which will rise to 62 *per cent.* in the later years of the settlement. Instructions in the Survey and Settlement Manual shew that ordinarily there should not be more than a 50 *per cent.* increase of the rent-roll on the occasion of the resettlement of a Government Estate, and that the rent of a single tenant should not be raised by more than 100 *per cent.* The same Manual lays down that it might be fair to raise the rent of a tenant from Rs. 3 to Rs. 6, while it would be unfair to raise a rent of Rs. 50 to one of Rs. 100. What the zeminders want is some verbal changes in the Bengal Tenancy Act, which will remove difficulties in the way of the recovery of rents. For instance, in regard to selling up tenancies for arrears of rent,* it has been held by the High court that rent does not include either interest or cesses. It would be a great convenience to the zeminders if both these items could be considered as rent for the purpose of suits. A full Bench ruling of the High Court has recently over-ruled the ruling quoted in paragraphs 4 and 5 of the Government Circular No. 18 L. R., dated the 3rd December 1904. The proposed amendments of sections 27 and 29 of the Act are, there-

* The British Indian Association were informed in paragraph 3 of Government letter No. 585T.—R-. dated the 15th May 1902. that they had raised a fanciful grievance, and that the Lieutenant-Governor was advised that the legal difficulty referred to did not exist.
A. EARLE–2-2-1905.

fore, no longer† required. It is to be remembered that the zeminders make collections not only for themselves, but also for Government. Thus in the Hooghly district 50‡ *per cent.* of all that they collect goes to Government in the shape of land revenue, and in some districts the proportion is higher than this.

† The matter will be examined. The difficulty in regard to section 27 seems to remain.
A. EARLE—2-2-1905.

‡ The gross rental is Rs. 42,90,138 and the land revenue demand of the permanently-settled estates is Rs. 13,03,961.
A EARLE—2-2-1905.

SYLLABUS OF STUDIES IN SCHOOLS 1907.*

1. The proposed syllabus is no doubt an improvement upon the existing syllabus in point of the length, diversity and advanced character of the subjects. The strain on the learners will, however, continue to be as severe as now, for the distinction between the two syllabuses is without much appreciative difference. The admitted evils of the present regimes must be faced more boldly and the principle underlying the proposed syllabus given effect to more thoroughly, unless the second decade of the country is again to be thrown away for lying bare the halting character of the proposed reforms. Let the root principle of depth rather than surface be carried to its fullest logical consequences, if it is really meant to formulate a scheme of vernacular education practically free from the charge of being "too long, too diversified and too advanced."

2. One fails to see how it can be seriously maintained that the proposed syllabus is less diversified than the present one. The number of subjects under the proposed syllabus is almost the same as now, for though the object lessons are omitted in name, in reality, they are proposed to be included in the science, which is also to include natural phenomena, plant-life, animal-life, elementary physical science and hygiene, the number of hours per week being at the same time reduced from four in the present syllabus

* Letter sent to Government, in reply to Mr., Secretary Streatefield's letter.

to two only in the proposed one. If this is not too diversified, one wonders what is, what is the educational aim sought to be attained by this endeavour to cramp nicknacks into the gladstone bag of science? Is disciplinary, or esthetic, or utilitarean, or all in one? The disciplinary value of a subject of instruction is, beyond question, the chief educational end in view, and the other two, merely its collateral advantages. This being so, only two out of the several branches proposed should prove quite enough. More would merely embarrass the youthful mind, leaving it hardly any time or inclination or energy to observe and think out for itself.

3. Speaking for a high school, a majority of the students concerned are expected to go higher up, where they are expected to read over again the history and geography which they are to read in the lower classes, for the specialisation of the studies for the optional subjects of the University need not begin till the second class, before which it will be much too early to discover the special aptitude of particular students, namely history and geography, might profitably be reserved for the higher stages. At any rate, these should be made alternate with science course, in order that more time and attention might be available for the other subjects. Many no doubt leave off at the lower stage; but these comparitably few are mostly intellectually unfit to profit by the instruction, and it stand to reason that the interests of the few would give way to those of the many. The Committee have practically adopted this principle in cutting down the arithmetic and geography courses.

4. Writing, *i.e.*, document writing is rightly debted.

5. Only one hour a week would seem anything but adequate for geometrical drawing and experimental geometry as for any other branch considering the age and attainments of the students concerned, it is a far cry from one hour this week to the corresponding hour next week, and if the particular day happens to be a holiday, or a pupil happens to be absent on the particular day in nine cases out of ten, the previous work will have to be done over again, making progress unconscionably slow.

6. The arithmetic course is properly cut down, but the number of hours set apart for it is *pari passu* cut down from five to four.

7. Drill is reduced from two hours to one hour. This is just what it should be.

8. Drill and drawing should form a part of every school curriculum. But the University not having included these two branches of instruction in the course prescribed by it, the private schools, that is, those other than government and aided schools will dispense with these two subjects, and thus gain three hours a week to be adopted to the other subjects of competition in the University examination. The Government and aided schools, will therefore, work against odds, which, however, it is hoped, will be counterbalanced by the additional disciplinary value of the subjects in question, though there will be this practical difficulty that in the course of things many boys will seek transfer from private schools to government or aided schools, and act as a drag on the progress of the class a whole. The

aided schools, at any rate, are surely not in a position to forego free-income from such a consideration.

9. The provision of eight hours a week, instead of four only, for instruction in English is not a minute too much, and the instruction of the "Direct method," already persued more or less in many good schools, is to be cordially, welcome. But are the schools, provided with teachers sufficiently qualified to translate the plan into reality? The English of the whole school will exclusively require the services of at least four men. The kind of English instruction now to be required by the University will take up the time of the best two of these four men for the purposes of the higher classes. Who, then, are going to give to the four lower classes the full benefit of English instruction under the auspices of the "Direct Method?" Bad teachers and good method is no doubt a lesser evil than both bad teachers and bad method. But is it not time enough to lay down a plan and carry it out steadily to secure a staff of good teachers whose whole time will be devoted to ensure the complete success of this part of the proposed syllabus? This is certainly not the place to elaborate such plan but it should form an integral part of every systematic endeavour to place school instruction on a more rational footing.

10. It is gratifying to note that under the proposed syllabus the transition from the lower stage to the higher stage will be much less abrupt than now. It will, however, remain abrupt to no inconsiderable extent, due partly to the raising

of the standard of instruction in the higher stage inconsequence of the new University requirements.

11. The making out of class routines to give effects to the proposed syllabus and to the regulations of the University with present a problem of no mean practical difficulty, the drill and drawing of the syllabus and the optional subjects required by the University being by no means the least of the embarrassing factors. The numerical strength and academical and professional qualifications of the teachers, in the stuff of average high schools will, it is feared, formed so inadequate that hardly any routines could be made within even a respectable reach of a satisfactory solution of the difficulty. In this connection, it would seem very helpful to obtain from a few of the good schools and the bad schools spoil reparts setting forth the strength and qualifications of their stuff of teachers and the class routines that they would make under the proposed syllabus and the new regulations. The importance of keeping in view the number and quality of the labourers in the field cannot be too much insisted upon, if the proposed reforms are not to be confined to the proper stage.

12. The question of the text books is of supreme importance, specially in view of the qualifications of the average school masters. It is, therefore, highly disappointing to notice that the preposterous practice of first writing them in English and then translating them into the vernacular is to be given a fresh lease of life. It is difficult to imagine why such a course of which evils have been proved to demonstration,

should be at all found necessary. It should surely be practicable to secure the loyal co-operation of a goodly member of educationists to write Vernacular text books, which could be translated into English to satisfy departmental requirements and at the same time to devote the necessity of having to do with text books that have retarded the progress of education for the first decade of the century and warped the mind of many a gifted youth.

5th November, 1907. Yours sincerely,

CONSIDERATION OF LEGISLATIVE MEASURES IN COUNCIL, 1907.*

The most pleasing feature of the administration during the year under review was the enlarged measure of consideration which educated public opinion received at the hands of Government in regard to important legislative measures. Nothing would be more unfounded than the assumption that public criticisms of proposed legislative measures received scanty consideration in the Council Chamber, and that the non-official members of Council are wholly powerless to influence the course of legislation in regard to any measure. Causes in which Government actuated by a desire to check a growing evil to give effect to matter of State policy, carries on a measure through Council in spite of popular opposition are exceptional. It would be for the public to realise that although Government holds in its hand the power of carrying through Council any measure it likes, however unpopular it may be, by means of the votes of the official members, there is no temptation to adopt such a course, and that the non-official members do not form a merely consultative body, but that they compose with the official members a really deliberative body, every member of which is actuated by the sole desire to determine to the best of his ability and

* Speech delivered at a meeting of the British Indian Association.

judgment now to frame and shape a legislative measure, so that it may conduce to the greatest good of the greatest number. The public have no idea of the time and thought devoted by members of Council to the consideration of the clauses of a Bill and of the anxious care with which they are examined in all their phases in order to come to a satisfactory conclusion. The only regret is that so few persons take the trouble to study critically proposed legislative measures, and that there is usually so little intelligent criticism regarding them. The Provincial Insolvency Bill contemplated a channel in the land which ignored the rights of landholders in the matter of their lien on the land and crops for the recovery of rent and placed them in the category of the ryot's ordinary creditors. The British Indian Association backed by the "Hindu Patriot" protested against this change but no body else had a word to say about the measure. It is gratifying to note that the proposed change has been abandoned, and the rights of landholders have been left untouched. The draft of jute Adulteration Bill propounded by the Bengal Chamber of Commerce elicited only a few sentimental remarks of the wickedness of dealers in jute but it was the British Indian Association which first drew attention to the exceptional character of the measure. In the interests of the poor cultivators, no less than in the interests of free trade, we are grateful to the Government for having declined to take any action in the matter although the proposed measure was demanded by a large body of no-official Europeans and supported by the whole Anglo-Indian press.

The Local-Government Bill, which has just been presented to the Council by the select Committee, is a measure, the importance of which cannot be overrated. Here in Bengal as in Ireland, presuppositions have not been negatived by experience. The confidence generated by the ability and capacity for business of the District Boards has induced Government to confer on them large powers of Self-Government and it is gratifying to note in connection with this measure that the proposal to which the British Indian Association and the public generally took the strongest objection, namely the proposal to impose an additional rate on land for the purpose of repaying loans raised for constructing and maintaining railways and tramways, has been eliminated from the Bill. The original Act was passed more than 20 years ago. The experience of its operation during this long time has brought to light defects and difficulties which have been removed by the amending Bill, and the District Boards have been enlarged so as to embrace matters which the increasing requirements of progressive civilisation have brought to the front. On no one point however is there a greater unanimity of public opinion than that money required for carrying out improvements in sanitation in Medical and Educational institutions and for the purpose of combating local distress caused by failure of crops should be raised from sources other than the roadcess which was expressly imposed for the purpose of improving road and other communications.

The Bengal Tenancy Act Amendment Bill has not been passed by the Council. In the

beginning it was viewed by a large body of landholders and by the advocates of tenant rights with no little anxiety and alarm but since the publication of the Bill, as amended by the Select Committee opinion regarding it has undergone considerable change I have no doubt that the measure as modified would commend itself to the whole body of landholders and ryots. A few clauses not more than three or four out of 43, which are unnecessarily stringent, if not oppressive, from the landholders' point of view have, it is true, been retained in the amended Bill but you will observe that the interests and requirements of the land holding and agricultural communities have received the full measure of consideration at the hands of Government. Most of the defects and ambiguities which gave rise to doubts and difficulties in the administration of the Act have been remedied the provisions relating to transfers to tenures and holding to merger of inferior in superior rights, to assessment of excess land in the possession of ryots, to false and vexatious pleas in rent suits and to sales by co-sharer landlords, have been vastly improved and lastly a summary procedure for the recovery of rent has been made available to those landholders in whose estates a record of rights has been made. Although this privilege has been guarded by certain restrictions and limitations and it should be borne in mind that the result of its operation, if, satisfactory, might ere long lead to the grant to landholders unfettered by conditions, of a privilege enjoyed by the State alone for the recovery of its dues. As regards, therefore, the difficulties experienced in recovering rents by suit

in Court the longstanding grievance of landholders has been remedied and Government has given us a law which, I have no doubt, would have a beneficent effect both upon landlords and tenants, and would bring about more amicable relations between them.

The other question which I desire to allude to the wholesome departure made by H. H. the Lieutenant-Governor in the matter of the preparation of the Annual Provincial Budget. A wiser measure for securing the help and co-operation of the non-official members of Council in the preparation of this important document, and a more effective one for silencing opposition and shortening the debates in Council could hardly be conceived. In preparing the Budget the Finance Member of the Local Government was put in possession of the views of the members in meeting assembled, regarding the requirements of the various departments of the administration while the members themselves had the fullest opportunity of leisurely scrutinising every item of assets and expenditure and have been thus saved the effort of having to fight against shadows in the Council Chamber.

ENHANCEMENT OF RENT, 1908.*

The Administration Reports of the High Court for 1906 and 1907 are not available, but those of the three preceding years show that in the 30 districts of the Province there were 530 suits for enhancement and abatement of rent with an average of 18 suits in each district; *in 1904 there were 634 suits* with an average 21 in each district, and in 1905 there were 287 suits with 10 in each district. The numbers of two opposite classes of suits having been totalled in the Reports under one head it may be practically assumed that there have been no enhancement of rent suits in the Province for several years. A very large majority of ryots in each estate can produce rent receipts showing that their rents have not been enhanced for 20 years, —a condition which gives them the benefit of the presumption that their holdings are permanent. A suit for enhancement is therefore so much to the benefit of the ryot. It results in making his holdings permanent. It is, on the other hand, suicidal to the landlord to sue a ryot for enhancement of rent as he would thereby get a ryot's holding judicially declared fixed and permanent.

There have been doubtless enhancements *by private agreement. But that is in the case of* exceptional landlords. The Road Cess returns giving the rent-roll of every village could show

* A note submitted to Sir Andrew Fraser Governor, Bengal at his request.

how far the rent-roll has increased from time to time but as they include the profits of tenure-holder (ryots paying a rent of Rs. 100 and upwards) as well as the assets of rent-free lands they are valueless for the purpose. Recently the cesses on account of all rent-free lands which were collected by Government direct have been made payable to land-holders. They have largely swelled what is called the valuation roll of each estate.

The fact is undeniable that there have been practically speaking very little enhancements of rent in the Province since 1859. The Zeminders or the persons who were recognised as the "proprietors of the soil" and who were given the assurance that "they will enjoy exclusively the fruits of their own good management and industry," (Regulation I of 1793, sec. VII para 2) have therefore not only not got any benefit on account of the growing prosperity of the country but have, on the contrary been compelled by reason of the depreciation of the exchange value of coin to submit to take much less than what they used to get before as rent from their ryots. It is evident therefore, that instead of enhancement of rent there have been wholesale abatements of rent in their estates.

What the landholders complain is that the 20 years presumption stands in the way of all enhancement of rent. When the rule of presumption was originally made in 1859 it might have been a reasonable rule. Ryots who showed payment of rent at a uniform rate since 1839 or 1840 in spite of the large powers which landlords then possessed of letting out lands at competition

rates could fairly claim immunity from enhancement. But under present circumstances the rule is most inequitous and unjust.

Landholders pray that the price lists of staple food grains periodically published by Government should not only be presumed to be correct but should be treated as irrefutable evidence of the price of grains for the time being. This would save much unnecessary loss of time and shut the door against perjury and forgury in the matter of adducing evidence of the price of grain at a certain time.

Landholders further pray that the two annas in the Rupee limit should be removed and that they be declared entitled to get enhancement in proportion to the rise of price of grain. It should be borne in mind that the instructions in the Survey and Settlement Manual show that "ordinarily there should not be more than a 50 per cent. increase of the rent roll on the occasion of a re-settlement of a Government Estate, and that the rent of a single tenant should not be raised by more than 100 per cent." Lord Cornwallis held that the zaminders were entitled to collect " rent at the established rate which in most places is fully equal to what the cultivator could afford to pay. It would be a wanton act of oppression to give the land to another for the sole purpose of so doing."

In his Note dated 18th Sept. 1789 para 378 and 43 " The regulation of the rent of the ryots is properly a transaction between the zamindar and his tenant and not of the Government."

In the preamble of Reg. II of 1793 Government disavowed such a right in Government.

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In several districts the rates of rent on the basis of which the Permanent Settlement was made in Bengal ***do not differ much from the rates at which rent*** is collected at present from the rayats. In Hooghly for example, the amount of Government-Revenue assessed was fully 49 per cent of the total rent-roll of the district. So far as could be made out from the total of Record as return, published by Government the percentage is still very high.

No materials are available for comparing increased assets of estates in the United Kingdom with the increased assets of estates in Bengal. As regards Royal demesne lands however, it has been stated that rent of those lands increased 60 times during the reign of Empress Victoria. And yet the condition of the tenants of title lands which under the benavolent policy of the clergy has remained under assessed. The same state of things is observable in Bengal. The stimulus to exertion given by periodical assessment of land conducer to the good both of the land-holders and of the tenants.

UNREST IN BENGAL, 1909.*

I desire to say a word about the unrest which unfortunately prevails in this country. I do not think that the constitutional reform scheme, even if freed of all objectionable features, will, by its operation, succeed in allaying, far less in eradicating, the present discontent. I am of opinion that the poverty of the middle classes has reached gigantic proportions, and that it is a terrible evil and a real danger to the State. That poverty I take it, is attributable to the want of remunerative employment and to the dearness of the price of food grains. The people of India have the good sense to appreciate that the achievements of the British in India are without a parallel in the history of civilised institutions, and they fully endorse the testimony borne the other day by President Roosevelt that the British Indian administration is " the greatest feat of the kind that has been achieved since the break up of the Roman Empire." But a little consideration will show that the British Government has far from justly dealt with the millions of India in the matter of enabling them to earn a livelihood. With refined notions of living engendered by contact with British civilization, but with no capital to invest in agricultural operations or in any trade or industry, the men of the middle classes in India find themselves destitute of the means

* Extract from a speech delivered at a meeting of the British Indian Association.

of procuring even the bare necessaries of iife. Official enquiries have led to the conclusion that more than 40 millions of the people live only on one meal a day. This was predicated of the agricultural population of the country; but an enquiry into the condition of the men in the lower ranks of the middle classes will, it is feared, lead to still more horrowing disclosures. The pinch of poverty is felt the more keenly on account of enormous rise of the price of food grains and articles of daily consumption. Both on political and humanitarian grounds every endeavour should be made to keep the price of the staple food grains of a country as stable and free from fluctuations as possible. We find that in 1785 wheat was sold in the United Kingdom at 43 shillings per quarter, or Rs. 3 per maund, and that after slight fluctuations during the Corn Law agitation, in the fifties of the last century, the price of wheat at present in England is much less than what it was a hundred years ago. The price of wheat in 1096 was only 28 shillings a quarter, or about Rs. 2 a maund. Turning to the price of food grains in India at different times we find on the authority of Sir Henry Colebrooke that during the period from 1790 to 1803 the price of food grains varied from annas 8 to annas 12 per maund, the price of ghee was 3 annas a seer and of cattle from Rs. 4 to 5 per head. The present price of rice is not less than Rs. 6 per maund, and of ghee Re. 1-4 per seer, *i.e.*, there has been a rise of ten times in the price of rice and five times in the price of ghee. These figures afford food for serious reflection. In the United Kingdom, where the average man is more than

50 times richer than an average Indian, the former has to pay less for his food than what his ancestors paid a hundred years ago, whereas, an Indian, with all his poverty and heavy burden of taxation, has to pay a price for his edibles which is from 500 to 1000 per cent. heavier than what his ancestors paid for the same articles. It is not true that India suffers on account of over-population. Mr. Samuel Laing has conclusively exploded the Malthusian theory that population tends to increase faster than food. India grows immensely more food grain than what she wants for her people. At one time she was the granary of the world. She supplied Egypt and other countries with food grains. While Parliament has taken very good care to keep down the price of food grains in England, the people of India have a just cause for grievance that the pinch of poverty has been allowed to be terribly enhanced by the operation of laws which should no longer be suffered to oppress the people. The time has come for a great change in this respect. The reception given by the public in England to the report of the Poor Law Commissioners, which is just out in a colossal volume of 1238 pages, and which is most socialistic in its character, shows that people are no longer inclined to reckon poverty as a crime or to treat as social pariahs those who need help. I am firmly convinced that the only way to eradicate the discontent and unrest in India is to make provision for reducing the price of food grains and for granting loans or bounties for providing employment to those who are destitute of means. It is no doubt a prodigious work for the Govern-

ment to undertake, but Government has at the same time every right to expect that men of affluence should co-operate with them in the work and help to carry it to a successful issue.

A NOTE ON MALARIA, 1910.*

The Malaria Conference, which held their sittings at Simla in October last, passed a number of resolutions dealing with the improvement of sanitation by means of drainage of swamps, clearing jungles, removing puddles and filling tanks, and the destruction of mosquitos, the distribution of quinine and the formation of Provincial Malaria Committees. These resolutions were followed by a well-considered memorandum by the Hon'ble Sir Herbert Risley, inviting the co-operation of the people in the campaign against Malaria. The question to which one desires to have a definite answer at the outset is :—What is meant by the word " Malaria ?" Dr. Newman Dorland in his Medical Dictionary, published last year, defines " malaria " to be " a febrile disease once thought to be due to poisonous emanations from damp ground but now known to be caused by a parasite conveyed to the blood by the bites of mosquitos." It appears therefore that the Simla Conference used the word both in its discarded and in its accepted present-day signification. The difference between the two, however, makes a world of difference regarding the measures which should be adopted for removing the sources of the etiology of the disease. If the old theory were incorrect, it would be worse than useless to spend money in expensive works for the improvement of sanitation. If the new

* Read at a meeting of the British Indian Association.

theory were deemed to be correct, the expenditure of money in an attempt to destroy mosquitos and their germs would be generally regarded by the people as a sheer waste of money for the removal of a pest which is as old as time and which they could never seriously connect with the causation of a wide-spread disease. Whatever weight may be attached to the complacent acceptance by the scientific world of the theory of the anopheles mosquito forming potent factors in disseminating the parasitic protozoa of malaria, we cannot shut our eyes to the evanescent nature of such theories and their liability to being supplanted by fresh ones of equally doubtful stability. It is farthest from my intention to impugn, or find fault with, the scientific spirit of enquiry of a Kock or a Laveran or their self-sacrificing labours in the field of bacteriologic research; but all the same I feel a call to enter my protest against the synthetic value of a theory that is opposed to all the traditions of the past and the experiences of the present. I humbly profess myself to be an advocate of the common-sense philosophy which ascribes analogous results to identical causes, and I am constrained to set my face against the mosquito theory of malaria when I find that of two contiguous villages, in both of which exactly similar conditions prevail, one enjoys perfect immunity while the other is a prey to the malaria epidemic in all its virulence. When theories propounded yesterday are discarded to-day and the number of exploded theories is not inconsiderable, the lay public may be pardoned if they believe that medical men push their views farther than what

the conclusions of science and experience warrant. In the present unsettled and unsatisfactory state of our knowledge on the subject, the guidance of microscopic examination cannot be unreservedly followed. The whole subject of causation of disease by miasmata of this or that character or by the presence of pathogenetic microbes is too much involved in obscurity to justify dogmatic assertions, much less the expenditure of sums of money which otherwise could lighten the burden of taxation and raise the standard of living of the people. It was observed by Herbert Spencer that " in every village throughout the Kingdom (Great Britain) each of the half dozen farms, by its yard full of manures, by its cow-shed and by its stables, severally reeking with the gases from decomposing matter, furnished a contradiction to the belief that ordinary unpleasant odours are pernicious. Places which, according to current sanatory doctrines, ought to be centres of disease, prove to be quite healthful, so healthful indeed that invalids frequently take lodgings in farmhouses where they are exposed to these products of decaying excreta." It is small wonder therefore that Sir George Campbell should have been struck by the fact that "in the reeking swamps of Bengal human race seemed to have multiplied to a greater strength than anywhere in India, perhaps in the world." Ill-drained swamps and other insanitary conditions never had a deleterious effect on the health of the people. In a rice-growing country a vast proportion of the population live in houses surrounded by fields which are under several inches of water for four or five months in the year. People

naturally decline to ascribe the origin of disease to a state of things which has been the normal condition of the country from time immemorial. The truth is, that the once healthy people of Bengal have gradually become enfeebled by inefficient supply of pure water, exposure, insufficient clothing and scanty and unwholesome food. (There is a consensus of medical opinion on the point.) Dr. Moore, in his Manual of Family Medicines, observes " where the inhabitants are poorly nourished, malarious disease, specially large spleen, abounds, and the manner in which the natives of the country improve under better conditions of diet and living is sanitary fact." Dr. Lyons too unreservedly scorned the idea of malaria altogether and described the so-called malarious fever as relapsing fever generated by scarcity and famine, and stated that the State has really to do with " the low condition of vitality everywhere prevailing in the country from the low standard of living amongst the people." The question of drainage and sanitation is therefore not one of much importance or urgency in this country. Ill-conceived and ill-constructed public works have heretofore served only as lessons for caution in the future. The Godavari irrigation scheme, the Orissa projects, the Madras irrigation works, the Rajapore drainage works and other enterprises have become sources of an additional burden on the people without giving them adequate counter-balancing benefits. In speaking of the Howrah drainage works an experienced officer of Government stated in his official report that " the Drainage Works under Act VI are not altogether satisfactory

precedents for Government interfering as public benefactors, and if alluded to, should be quoted rather as warnings than as examples." I need hardly refer to the question of personal cleanliness in connection with the causation of disease. It is an admitted fact that the Bengalees are one of the most cleanly people on the face of the earth. The "great unwashed" is, as a recent writer has said, a misnomer in Bengal at least. With their shastric and traditional rules for the daily ablution of their bodies and daily washing of their clothing and for observing the greatest cleanliness in their houses and their environments, they have little to learn from foreigners. What Lord Elgin said in his opening address at the Calcutta Medical Congress regarding a village upcountry is literally true of every village in Bengal. "I was walking one day" he said, "through a village in a remote district. I was struck forcibly by the fact that in house after house which I passed the door-way and its surroundings were scrupulously clean. My mind reverted to many an instance where the contrast was not favourable to western civilization." The benighted India of to-day is proverbially poor, poor beyond the conception of Lazarus, beyond the flights of the poet's fancy and since poverty covers a multitude of sins and according to the Sanskrit adage, destroys a thousand virtues, it has been her lot to pay a heavy toll to the many messengers of death—plague, famine, cholera, malaria and what not. Every thing therefore points to the necessity of caution before giving effect to the benevolent intentions of Government in the matter of the

campaign against Malaria. My anxiety that nothing should be done involving the expenditure of large sums of money either wholly out of the Provincial Revenue or partly with contributions from the people, is therefore but natural. It would be an act of doubtful wisdom to rescue the people from the Scylla of supposed insanitation only to land them in the Charybdis of deeper poverty and distress. I would recommend the Government to ponder well on the words of Dr. Bisset Hawkins who has thought profoundly on the subject and given the world the result of his vast erudition and experience. "Mortality" he says "has diminished in nearly the same degree in which the prosperity of the country has gradually increased. Life and death then, mainly depend upon the prosperity of the circumstances which surround us : physical prosperity and moral happiness which often depend and re-act upon each other, present safeguards at every crisis of existence both to individuals and to nations. We may often judge with tolerable accuracy of the mortality which is likely to exist in any given country, town, hospital, from the degree in which poverty or wealth, knowledge or ignorance, misfortune or success, are seen to prevail. Wherever want and misery exist, there the mother is more likely to die in labour, there still-births will be more frequent, there the deaths during infancy will be more numerous, there epidemics will rage more violently, there the recoveries from disease will be more tedious, and the fatal termination of it more probable and there also will death usually approach at an earlier period of life than in happier situa-

tions." If they desire to promote the health of the people, the bettering of their condition must therefore stand as the formulated programme for the Government of India, the goal which they must persistently strive to reach.

Extract from a letter written to the Editor of the "Statesman" with reference to certain remarks on my note.

My definition of Malaria was taken from a medical Dictionary published only last year (1909) and not "from a lay dictionary of the 16th century" The author says in the preface of his work that "a systematic gleaning has been made through the latest medical literature, so that the vocabulary may be said to be strictly up to date" My wonder is that a body of professional gentlemen should have had such a hazy, if not erroneous, idea on the subject. In trying to impress upon the Government the futility of an expensive campaign against supposed insanitation when the root of the evil lies elsewhere I have hardly advanced a single opinion of my own. All my statements are supported by men of the highest authority and are not to be trifled with by men who have seen but one side of the shield. The question involves the happiness or misery of the people, the more reason why it should not furnish food for raillery.

INDUSTRIAL EDUCATION, 1916.*

Our prospects are daily becoming more and more gloomy. What with the wolves of famine and pestilence dogging our heels, ever and anon, carrying away millions from our midst; what with more than an eighth part of the population living only on one scanty meal a day; what with the poverty and chronic indebtedness of those employed in agricultural pursuits; what with an ever-increasing dearth of employment for men of the middle and educated classes; and what with the struggle for existence daily becoming more and more intense, the prospect is indeed gloomy. And yet India is a country, upon which nature has lavished all her charms, her grandeur and her munificence, a country which for centuries held a commanding place in the art industries of the world, and of which the material resources have yet only been partially developed. Centuries of alien rule, the difficulty, if not the impossibility, of competing with machinery and the absence of protective duties have dislocated the industry of millions and driven Indian goods and art manufactures even from their homemarkets. Prosperity reigns where science and art count their votaries by millions. England, France, Germany, Switzerland, Belgium, America and Japan, all have their institutions for the advancement of scientific and

* Extract from a speech delivered at a public meeting held in the Town Hall.

industrial education. And India! She alone, one of all the countries stands in inglorious isolation. She has not shaken off her dreams, and is lagging ignominious in the race for progress. General Booth's scheme for grappling with poverty and crime in the United Kingdom is to take all the "hopeless" people away and found cities with them in the colonies. India, however, is not wanting in land for the extension and improvement of agriculture, nor does she stand in need of natural resources, the development of which might give employment to millions of her sons. What she really wants is a common bond which would stimulate the different races and peoples to unite together and combat poverty, their common enemy, by creating new avenues to employment and introducing a greater diversity of occupations. It is the cultivation of science and art alone which can supply that common bond. India has long stood pre-eminent in metaphysical and religious thinking. Let us show that it is not merely in investigations into the psychic capabilities of the human mind that Indians are richly endowed, that in the great trial for supremacy in science and art between the white races and the yellow, between the civilised West and the barbaric East, India can hold her own, and that in the material resources of the country, developed with a unity of purpose and love and devotion for our motherland, we possess a source of wealth capable of almost infinite expansion. That and that alone in this decadent age should be the objective nearest every Indian heart.

RELIGIOUS AND MORAL INSTRUCTION IN SCHOOLS, 1912.*

Looking to the number of races and sects into which the population is divided and the keen jealousy with which they cherish and adhere to the respective creeds, the question of religious education in schools must be summarily dismissed. An attempt to introduce it would lead to well-grounded objections, dissensions and mischief; while taking into account the existing machinery which could be utilised for the purpose, the result would be a travesty of religious education. Nothing could be more ill-judged than to entrust the low-paid teachers of primary schools with the work. That the provision for such education made in the United Provinces and in the Punjab has proved a failure and has met with no public appreciation as observed by the Hon'ble Mr. Shark in his letter, is only natural. It is worthy of note in this connection that religious education is not given in France and Germany. Even in England attendance at the College chapel is not compulsory. India is a country where religious education begins in the nursery on the mother's knees and culminates at death with an inspiring faith in a life to come. Any separate arrangements for a so-called religious education for Indian children would be therefore wholly out of place.

* Reply sent to Government's letter on the subject.

The secular education imparted in our schools has a moral disciplinary effect on students which it would be hard to improve upon by any system of so-called career is a guarantee of industry, self denial, and discipline maintained through several years of pupilage. A familiarity with the lives and anecdotes of great men makes altruistic actions lovable and habitual, and their sympathy for such actions become stronger and wider in proportion as the reasoning powers increase, and the imagination of consequences, immediate and remote of good and bad actions, grows more vivid.

Exception has been rightly taken to Lord Palmerston's dogma that "all children are born good" and it has been very often contended that it is quite visionary to hope that by skilful discipline and moral training all boys may be made altogether what they should be. The imperfections of nature and the influence of domestic Government may be diminished by wise management, but they cannot be removed. All conceivable systems of moral education in schools would leave little appreciable effect unless every parent be indoctrinated in the system of moral control. There is so much dishonesty, selfishness and brutality in the world that it would be quite unwarranted to take for granted that parents would be free from moral delinquency in domestic discipline and the treatment of their children. A reform in domestic Government must go hand in hand with the reform in the school room.

If morality means the science of good conduct and if the aim of moral education be to make

a boy well-conducted and able to make his way honestly in the world, that education by the beneficence of Government, he gets at present. Whatever defect there is usually in his education in this respect be tries to remedy when he realises the good and evil consequences of actions by practical experience. They are more effective than precepts believed on authority. More often than not these theoritical precepts may give youngmen too keen sense of rectitude and too elevated a standard of conduct for currency in practical life.

In conclusion I can not withhold my meed of gratitude for the liberal provision made by Government for the study of Sanskrit and other oriental languages in schools and colleges which has given both Hindus and Mohamadans a well-grounded basis for religious and moral training.

DACCA UNIVERSITY, 1913.*

The question that has brought us together from all the four quarters of United Bengal affects the education of the youth of Bengal now and hereafter. The contemplated changes in the policy of Government have exercised the minds of the whole nation, Hindus and Mohammadans, and created a general feeling of the gravest alarm. For the first time in the history of education in Bengal the University Act of 1904 set up the Executive Government above the body corporate of the Universities and officialised them in their internal constitution and in their external relations ; but even the bare semblance of control and authority which was left to the University under Lord Curzon's Act is now sought to be done away with. The proposed University of Dacca which like the lean kine in Pharache's dream threatens to eat up the fat ones is to be a department of the State and the withdrawal from the University of its power of recognition of secondary schools and the substitution of the school final for the Matriculation examination will complete the process. It is hard to make out what the University has done to deserve this treatment. One should have thought that it has deserved richly both of the Government and of the country, that it has achieved singular success in fostering the growth of an efficient and beneficent system of education, that it has enforced in secondary schools

* Speech at a public meeting held on 18th July, 1913.

discipline, method, organisation—all that go to secure a high standard of efficiency, that on the selection of text-books they have brought to bear the varied knowledge, erudition and experience of a body of learned men and educationists, that in arriving to conclusion on debatable questions they have invariably safeguarded their action by full discussion by opposing reason to reason and argument to argument, and that the very nature of its corporate existence enables it to maintain a continuity of policy and a standard of perfection quite impossible and hardly ever attainable under the administration of an everchanging body of officers temporarily placed in power.

The wrong and injustice which the contemplated changes in the educational policy of Government will inflict on the community is no less conspicuous. Who among us do not know that it was a number of Hindu gentlemen and not the Government of the country who as the real pioneers of English education in Bengal took up the "task eternal and the burden and the lesson" and that the old Hindu school and a number of smaller educational institutions owed their existence solely to private munificence?

It was Lord Hardinge's famous Minute of 1844 that gave the greatest impetus to private enterprise in the matter of the spread of education. Under the aided system inaugurated by him even the remotest corners of the country were studded with schools. In the fifties of the last century my late father took up the cue and established 31 schools in his estates in one day, and he was not alone in the field and the schools these pioneers sowed broad cast produced their

crop of men thirsting for knowledge and craving for culture. It was, therefore, no misreading of the history of the development of education in Bengal which led the Education Commission of 1883 to recommend the encouragement of private effort and the withdrawal of the State from the direct provision and management of education —especially of higher education in India.

We have every reasonable ground, therefore, for taking it upon ourselves to enter our unqualified protest against the unwisdom and injustice of the contemplated changes in the educational policy of Government. We cannot too confidently pray Government to vindicate the watchword of hope and the message of a new life and high and still higher ideals which only two years ago we had the honour of receiving from His Imperial Majesty the King Emperor's own lips.

AGRICULTURAL REFORM IN BENGAL, 1916.*

In speaking of agricultural reform it is usual to dilate on the ignorance of the cultivators and on the paramount necessity of instructing them on scientific methods regarding every step in the process of cultivation. Nothing could be a greater mistake. Lord Mayo truly said that "if you ostentatiously tell ryots to do things which they have been doing for centuries they will simply laugh at you." Saturated with the traditions of many generations of cultivators a ryot's knowledge of the nature of the soil, of the season for ploughing it, of the depth to which it should be turned up, of the quality of the seed, of the time for sowing it, of the necessity of transplanting and weeding, of the numbers of waterings required for each crop, of the manures suitable for different soils and crops, of the time for reaping and harvesting crops, of the uses of rotation of crops and of allowing lands to lie fallow, is simply perfect. He requires no help from scientific experts and he has, besides a knowledge of metrological conditions governing agricultural processes which it would take a long time for a scientific expert to acquire. A foreign expert has yet to learn amongst a hundred other things, that ploughing the soil on the day of the new moon leads to a total failure of the crop, that an earthquake in the month of *Bhadra* indicates heavy flood and distress, that if the

* A note submitted to His Excellency the Viceroy, 1916.

1st of the month of *Chait* falls on a Wednesday there will be a famine and that if there be a rainfall in the month of *Pous* the crop would be so plentiful that even paddy husks will bring in money. It is no wonder, therefore, that Dr. Voelckar, who was deputed by Lord Palmerston to enquire into and suggest improvements in the Indian system of agriculture, should have reported that he had been deputed to teach a people more fitted to impart than to receive lessons on agriculture. It is not in the methods of cultivation that Indian Agriculture requires reform. The real impediments to reform should be looked for elsewhere. The most formidable obstacle in the way of agricultural reform is the smallness of *ryotty* holdings. In several districts the number of *ryotty* holdings less than an arce of land is legion, while the holdings of others which vary from five to ten acres or more comprise a number of plots situated as often as not in different fields at distances of several hundreds of yards from one another. Such a state of things involves great loss of time and labor, renders all economic arrangement for drainage and irrigation of land quite impossible, and involves the ryots in endless dispute regarding ingress and egress of water to and from neighbouring plots. The evil becomes much greater when the holding is further divided and sub-divided by the operation of the law of inheritance, and two or more co-shares have a joint tenancy in each of the small plots which originally belonged to a common ancestor. These evils have been remedied in Japan by converting, all small holdings into compact farms by exchange, addition and reduc-

tion of lands held by different tenants and creating a number of peasant proprietors, the forms and areas of whose lands are controlled by an Agricultural bureau appointed by the State. Next to the smallness and scattered nature of the holdings is the poverty of the ryots which stands in the way of all agricultural improvement. When an irrigation tank has to be excavated or a well to be dug, when a blight has to be checked, when the condition of plough cattle requires an adequate supply of fodder and pasture land, when in the place of animals worked to the very verge of death in carts and underburden Brahmini bulls have to be maintained for improving the breed of cattle and when the necessity of segregating diseased cattle from the healthy arises, the ryot finds himself wholly helpless. The difficulties therefore which stand in the way of agricultural reform are well nigh insurmountable. Mr. Kay in his work on optimism truly says that "what is most wanted is a strong ebbtide to send us back again to the status of our grandsires and to give us more lowly thoughts." Unless our men of affluence and educated men take a personal interest in the cause of agriculture and becomes farmers by converting small holdings by purchase into goodly sized farms there is hardly any hope for agricultural reform in India. The enquiries made by the Duke of Richmond's Commission showed that there were about 12 millions of culturable lands lying waste in the United Kingdom. The eminence attained by the British in manufacture and commerce might afford some excuse for their neglect of agriculture, but what justifica-

tion have we to allow more than 13 millions of acres in Bengal alone, the area given in the last official returns, to lie waste when the supply exceeds the demand in the liberal professions, when the struggle for existance among the middle classes is as keen as ever and when there is no room even for clerkly appointments ?

THE PERMANENT SETTLEMENT OF BENGAL, 1817.*

"The effect of the fearful famine which swept Bengal in 1770 was long felt. The people worn to skeleton by starvation and horrible diseases which followed in the train of famine died by thousands. They sold their cattle and tools and even their children to buy food until no one could be found to buy any more. When at last the misery was over a third of the people had died. It was impossible to gather rent from the starving and penniless, and the Company received little or no money." H. E. Marshall's History of India, p. 62.

"Immediately before the date of the Permanent Settlement there was a considerable drain upon the resources of the Company. The Rohilla war, the two campaigns against Tipu Sultan, the prevention of the hostile Maharatta demonstration against Oudh, the mission despatched to Nepal, the reduction of Pandichary, the reform of the Civil Administration and the arrangements made for the improvement of the navy brought the finances of the company to a low ebb." N. D. Inne's History of the British in India.

" During the closing years of the 18th century Britain as a first class power seemed doomed to destruction. Abroad, France, Holland, Spain and Itally were allied against her; the armed

* Extracts from speeches and writing's compiled with reference to a suggestion for the imposition of additional tax on land.

neutrality of the Baltic Confederation was little less hostile. The United States had been alienated, and Austria our sole continental ally was exhibiting a very dubious friendship. At home a succession of seven bad harvests combined with the teachings of the French Republicans, caused sedition and discontent which the weight of taxation accentuated. Between 1793 and 1800 the National Debt had increased by £300,000,000. On February, 1797 the cash in the Bank of England was hardly £1,000,000, a few days later, that institution suspended cash payments and on February 27th the country was within 48 hours of bankruptcy." Pearson's Weekly p. 167.

"Those conclusions (the Results of twenty years of experiment in Bengal Administration) remain to this day the basis of our rural administration in Bengal; and nothing can be further from the historical truth than the idea that Cornwallis was the originator either of that system or of the Permanent Settlement. If the popular idea that Cornwallis was the originator of the Permanent Settlement was erroneous, equally erroneous is the idea that he was sent out to impose on Bengal a system of landed property based upon our English systems of ownership. Pitt's Act of 1784 (24 George III chap 25 sec. 39), which was the starting point of the Permanent Settlement, directed indeed that permanent rules for the land rents and tributes should be made. But it directed those Rules to be framed (1) according to the circumstances of the respective cases of the said Rajas, Zemindars, Polygars, Taluqdârs and other native land holders and (2)

according to the laws and constitution of India. Para 52 declared that the land assessment now to be formed shall, as soon as it can have received our approval and satisfaction, be considered as the permanent and unalterable revenue of our territorial possession in Bengal, so that no discretion may be exercised by our servants abroad, in any case, of introducing any alteration whatever." Sir William Hunter's Bengal Records Vol. 1. p. 24-25.

"In a measure conceived and matured by Pitt, the greatest statesman of the age, and his colleagues in the cabinet, it was intended to save the East India Company from financial ruin, to bring the country (more than one third of which was filled with Jungle) into a state of cultivation and to increase the wealth and prosperity of the people by recognising their just rights and thereby stimulate them to improve their estates." Proceedings of Bengal Council dated 24th April, 1807.

"It is a narrow and contracted view to suppose that the Permanent Settlement consists in nothing more than the obligation on the part of the Zemindar to pay certain amount of revenue annually to the Government. The settlement is a compact by which the Zemindar engages on his part to pay a fixed amount of revenue to the State; and the State on its part guarantees to the Zemindar, by means of its judicial and fiscal administration, the integrity of the assets from which that revenue is derived, and which in fact constitutes its own security for the realisation of its revenue." Sudder Dewany Decisions of 1848 p. 462, dated 20th May, 1848.

The terms proposed by the State appeared to many Zemindars at the time so ineligible, the pecuniary responsibilities required to be undertaken appeared to many of them to be so onerous that they declined to enter into the engagement. The framers of the settlement were prepared for this contingency ; and directed that an allowance, in consideration of their proprietory rights, be awarded to Zemindars who might refuse to engage for the jummas required from them. Regulation VIII of 1793 sec. 44.

" The Zemindars are not a body of foreigners placed by brute force and right of conquest over tenants alien in race and religion, nor do they trace their titles through a maze of outlawries, forfeitures, confiscations, pardons and reversals." Dr. C. D. Field's Landholding, p. 259.

" To draw from the ryots the duties or contributions which they owe is well-known to be a business of great detail and difficulty requiring the strictest vigilence and most minute and preserving applications. Anything which strikes at the credit of the Zemindar, farmer or other functionary by whom the duty is performed immediately increases the difficulty by encouraging the ryots in the hope of defeating the demand by evasion, cunning, obstinacy or delay." James Mill.

" The law's delays are we know proverbial ; but the delays of a Bengal rent suit in a Bengal Moonsiff's Court are more than even proverbial philosophy can make palatable. Notwithstanding the fact that in about 75 per cent of the suits for arrears of rent the claim is not really contested, the Zemindars and other rent receivers

have too often found themselves unable to recover their just dues without submitting to a process which entails cost that they may possibly never recover, and delays that are frequently embarassing and ruinous: and even when the Zemindar has got his decree it by no means follows that he has got his rent." Sir Alexander Mackenzie's Bengal Council Proceedings dated 21st December, 1878.

"In the case of foreign invasion, it is of the last importance considering the means by which we keep possession of this country, that the proprietors of land should be attached to us from motives of self-interest. A landholder who is secured in the quiet enjoyment of a profitable estate can have no motive for wishing for a change. On the contrary if the rents of his lands are raised in proportion to their improvement, if he is liable to be dispossessed, should he refuse to pay the increase demanded of him, or if threatened with imprisonment or confiscation of his property, he will readily listen to offers which are likely to bring about a change." Lord Cornwallis' minutes dated the 10th Feby, 1790. Contrast the conduct of the Bengal landholders and of the Qudh Taluqdars during the Mutiny of 1857 and of the latter in the present war after their rights have been recognized by Act I of 1869 I. C.

"The whole body of Zemindars, with a few notable exceptions, have paid very high prices for the estates they now hold. It poses one's ability to understand either the logic or the ethics of the argument for imposing obligations upon landholders, because a few of them are

wealthy. It would be quite as reasonable to impose obligations upon a person who makes a large profit by investing his money in shares of the Bengal Bank. The contention has no more root in history or law than in common sense. The property created by the Permanent Settlement is the property of the nation. It belongs to no section or caste of the public." Proceedings of Bengal Council, 24th April, 1907.

"The Permanent Settlement was not a legislative enactment which could be modified by a future Legislature. It was a "Settlement concluded" "with the proprietors of the soil." It is also a contract for the benefits of which the majority of the present landholders of Bengal have admittedly paid full value. Nor was it originally a contract without valuable considera-tion. The landholders of 1793 engaged to dis-charge regularly the revenue in all seasons, with-out any reference to drought, inundation, or other calamity of season and it must be remember-ed that the revenue at that time represented ten-elevenths of their rent-roll. (Regulation I, 1793, sec. 7; Regulation II, 1793, Preamble). They came under another heavy responsibility which lasted down to our own time. The sale-law of the Cornwallis code provided that if the proceeds of the sale of the defaulter's Zemindari should prove insufficient to liquidate the arrears of Government revenue, any other real or personal property belonging to him was to be attached and sold to make good the deficiency. (Regula-tion XIV, 1793, sec. 44). This provision was expressly retained in the sale-laws of 1794 and 1799, and it was only in 1868 that it was repealed

by an Act of the Bengal Council. (See Regulation III, 1794, sec. 14, Regulation VII, 1799, section 23, clause 5; Act VII, 1868, B. C. section 29, and schedule E). Last, not least, the claim of the Zemindars to a certain percentage upon the rents collected by them was sanctioned by immemorial usage, and that claim had been recognised by the British Government for many years before the Permanent Settlement. It would be idle to say that in this compact between the State and the landholders there was no valuable consideration originally moving from the promisee to the promisor." Calcutta Review, 1883.

The property in the soil has been declared to be vested in the landholders and the revenue payable to Government from each estate has been fixed for ever. * * * No power will then exist in the country by which the rights vested in the landholders by the Regulations can be infringed or the value of landed property affected. Preamble to Regulation II of 1793.

"It was considered by the East India Company that the first step towards a better system of Government and the amelioration of the condition of their subjects would be to convert the Zemindars into landowners and to fix a permanent annual jumma or assessment to the Government according to the existing values so as to leave to land proprietors the benefit of all future improvements." Privy Council Judgment in Raja Lilananda Sing, 6 Moore p. 108.

"A person who gets land in Calcutta (Bengal) under a testamentory bequest acquires a free hold estate and the Pattah, which he subsequently takes from the Collector of Revenue, simply

recognizes his title to the land but does not create it, the East India Company being sovereign or Governor of the country not the proprietor of the soil." Moore's Privy Council rulings p. 330. Freeman *vs.* Fairlie, 1828.

"These documents are in the first place the Regulations of 1793 distinguished by the name of Permanent Settlement Regulations. I think it is to be collected from these Regulations that the proprietors of land in India had an absolute ownership and dominion of the soil, that the dominion was not vested generally in the Sovereign, that proprietors did not hold it at the will of the Sovereign but held the property as their own. I think it is impossible to read these articles without coming to the conclusion that the Zemindars and Taluqdars were owners of the soil subject only to a tribute and that it was the object of the Regulations to make that tribute fixed and permanent." Lord Lyndhurst, Vol. 1 Moore's Indian Appeals, p. 348.

"The land-tax had been fixed at the highest amount which had been realised for a series of years under the British administration; the landlord's interest in the soil amounted to no more than the tenth part of the net rental, and from this he had to defray the expensive establishments necessary for the collection of a rack-rent, unknown for its severity in any other country, and this too from poverty-stricken occupants. Moreover a needy Government, solicitous chiefly to secure its own revenue, had reserved to itself the power of distraining upon the land, at a moment's notice, while it left the newly-created, but almost fictitious, landlord to the course of

recovering his rents, in the ordinary Courts of Judicature where process was technical and tedious, and which, almost immediately on their institution, were overwhelmed with arrears. But besides this, it turned out that the majority of the new order were no better than a set of profligate, imbecile and impoverished officials, who had neither the capacity, nor the means to improve their lands." Mr. Crawford, Indian Review 1839, p. 872.

Lord Cornwallis hoped " that the assessment will become gradually lighter, because as the value of silver diminishes, the landholder will be able upon an average to procure the quantity which he may engage to pay annually to Govt. with a proportional small part of the produce of his lands, than he can at present." Minute dated 3rd. Feby. 1790 (Sir William Hunter's Bengal Mss. Records p. 80). But it is well-known that the restrictions placed in the way of enhancement of rent by the legislature have effectually stopped all enhancement of rent since 1859 and given to the ryots the whole benefit of the fall in the value of silver and rise of price of agricultural product and that instead of benefiting by the fall in the value of silver, the profits of all landholders have been materially reduced. The condition of the ryots has no doubt greatly improved in a large number of cases but not to the extent anticipated. A ryot has never been known to postpone the requirements of his family to the requirements of political economy.

" By ancient law the revenue belongs to the Emperor and the soil to the Zemindar. The Emperor, keeping in view the practice of former

times, considered the taking of land without paying for it as an act of oppression." Royroyan, 3 Harrington p. 343.

Extract from Government order signed by Chief Secretary on the petition of Raja Ram Kissin, Zemindar of Rajshai and others who, alarmed at the Regulation passed for the re-establishment of Canoengoes and the appointment of Patwaris, prayed in 1819 for the abandonment of those measures. "It is specially the principle of the English government to leave all persons in the free enjoyment of estates, with no further restrictions than are necessary for the general good and still more anxiously to maintain all engagements into which it has entered. But it is the firm determination of Government to maintain inviolate the rights and privileges bestowed on the Zemindars by that Settlement notwithstanding any errors or abuses that may now be discovered to have been practised; and although the profits of any one from his estate should be many lacs and his jumma only a few rupees, yet Government will on no pretence break its agreements. This you may hold certain and for your further satisfaction, I shall here refer you to the declaration contained in Regulation 2 of the year which is in the following terms. 'First, nothing in the present Regulation shall be considered to affect the right of the proprietors of estates, for which a Permanent Settlement has been concluded to the full benefit of all waste lands included within the ascertained boundaries of such estates respectively at the period of Decennial Settlement and have since been or may hereafter be reduced to cultivation. The ex-

clusive advantages resulting from the improvement of all such lands were guaranteed to the proprietors by the conditions of that settlement and it being left to the Courts of Judicature, to decide in all contested cases, whether the lands assessed under the provisions of this Regulation were included at the period of the Decennial Settlement within the limits of estates for which a settlement has been concluded in perpetuity, and to reverse the decision of the Revenue Authorities in any case in which it shall appear that lands which actually formed at the period in question a component part of such estate have been unjustly subjected to assessment under the provisions of this Regulation. The Zemindars and other proprietors of lands will be enabled by an application to the Courts to obtain immediate redress in any case in which the Revenue Authorities shall violate or encroach on the rights secured to them by the Permanent Settlement. Second, it is further hereby declared and enacted that all claims by the Revenue Authorities on behalf of Government to additional revenue from lands, which were, at the period of the Decennial Settlement, included within the limits of estates for which a Permanent Settlement has been concluded, whether on the plea of error or fraud or on any pretext whatever, saving of course the case of lands expressly excluded from the operation of the Settlement, such as Lakhraj and Thannadary lands, shall be, and be considered wholly illegal and invalid'."

'It is clear that, according to the engagement entered into at the time of the Permanent Settlement, the *jumma* then fixed cannot be altered.

It was declared by the Governor-General in Council, that the Zemindars and other proprietors of land and their heirs would be allowed to hold their estates on such assessment for ever, (see Regulation I of 1793, sec. 4) and that the orders fixing the amount were to be considered irrevocable and not liable to alteration by any person whom the court of Directors might appoint to the administration of the affairs of the Company (sec. VIII). At the conclusion of the Permanent Settlement, the Governor-General in Council expressed his confidence that the proprietors of land, sensible of the benefits conferred upon them by the public assessment being fixed forever, would exert themselves in the cultivation of their lands, under the certainty that they would enjoy exclusively the fruits of their own good management and industry, and that no demand would ever be made upon them for an augmentation of the assessment in consequence of the improvement of their estates (Regulation I of 1793, sec. VII). The same principle which prevents an augmentation of the assessment equally precludes the taxation of the owners in respect of the rent or produce of their estates." Minute by Sir Barnes Peacock, dated the 6th March, 1854.

The above arguments were accepted by Lord Dalhousie's government as conclusive. Minute by Lord Dalhousie, dated 14th April, 1854.

With reference to the road-cess as an infringement of the Permanent Settlement, an official Member of the Viceroy's Council said, "We have no standing ground in India except brute force if we forfeit our character for truth." Law Magazine and Review, February, 1895 p. 129.

The *kabuliat* executed on the 15th March, 1791 by Raja Ram Kissen (published by Harrington) contains the following stipulation. "The profit and loss of the concern depend with me only; should I be so fortunate as to improve the cultivation of the country at large and thereby create fresh source of revenue, all so realised shall belong to me only and not to Government." The extract also shows in what sense the word "revenue" was used at the time.

"I need scarcely say that no responsible Government would ever dream of making any attack upon the Permanent Settlement of Bengal. The idea that the Permanent Settlement can be touched is an old exploded fallacy which I believe no Government in India—until we have come to be ruled by Socialists from White Chapel—would ever dream of putting forward. But it is said that because Bengal has benefited so much by the Permanent Settlement, it is right, proper, and fair to the other provinces of India, that it should be severely taxed, and the hon'ble gentleman told us that we ought to levy local rates and local taxes. As His Highness the Maharaja of Durbhanga has already pointed out, the slightest acquaintance with the Bengal Statute Book would have revealed to him the fact that Bengal does now levy an enormous amount in local taxes, no less than 87 lakhs of rupees being realised by provincial and local rates in Bengal." Sir Alexander Mackenzie, Budget Debate, Viceroy's Council 1897.

"The Hon'ble Member described an imaginary conversation of his with a collector who pointed to a road and said he had got half a lakh of rupees

from Government for that road. Well, if we got half a lakh for that road, he got it from provincial cesses, for the Government of Bengal has no funds of its own to spend for such purposes, except such funds as it receives from these cesses. Then as regards the question as to whether the Bengal Government pays its fair share of taxation as it stands. I think the faintest study of the Yellow Book would convince the Hon'ble Member, if he chose to refer to it, that this province pays far more than any other province in India, and if it is able to do so, I maintain, that arises largely from the settled condition of its land-tenures. What has to be recognised is, that since the Permanent Settlement the lands and landed interests have become largely sub-divided. Infinite varieties of tenures have been created, and sold and resold for value. The landed interest in Bengal is not represented merely by a few rich landholders as Mr. James seemed to assume. We have some rich landholders, and I am happy to say that the rich landholders do more than their duty by their estates, but we have an enormous landed interest in Bengal contributing to Provincial and local taxation of various kinds. I will not detain the Council longer. I will only say the Province of Bengal is quite open to examination in regard to its finances and in regard to the position which it occupied with reference to its contributions to the funds of the Imperial Government." The Lieut-Governor, Viceroy's Council Proceedings, March, 1897.

"In the greater fruitfulness of indirect taxation and some direct taxes in Bengal as compared

with other provinces, the Government recovers some portion of the revenue which it has sacrificed in the form of land assessment." The Duke of Argyll, Secretary of State for India.

" If we abolished the Lieense Tax and with it all direct taxation, it could justify me the retention of the cesses on land which were introduced simultaneously with it in 1878." Sir Aukland Colvin, Proceedings of India Council, 1886.

" It would be hardly possible to maintain the cesses on the land, if the tax on trades were abolished. It might be more possible to defend the abolition of the cesses on land and the maintenance of the tax on trades." Sir John Strachy, Proceedings of Council, 1880.

" The effect of the settlement on the first owners was disastrous. It was no easy matter to have to pay, year after year, irrespective of the caprices of the seasons, a land-revenue assessed at ten-elevenths of the rent-roll of estates. The majority agreed, looking more to the distant future than to the immediate present ; but most of the estates, more than 90 per cent, changed hands within the following 20 years, and even such a rich house as Burdwan had to part with a considerable portion of its estate, consisting of Pergunahs, Mandalghat, Arsa and Chetooa, for defaulting payment of revenue. Nothing, therefore, is more groundless than the supposition that the present body of landholders are in the enjoyment of the profits arising from land since the date of Permanent Settlement. The number of Zemindars who can trace their title, from the time of that settlement can be counted on the fingers." Bengal Council Proceedings 1907.

" The Zemindars under the Permanent Settlement, are at the same time incapacitated from demanding any diminution of revenue in consequence of accidents which may disable them from realising from their estates, a sufficiency to pay the revenue. When this happens the estate is brought to the hammer and often sold off for a mere trifle. On such occasions the Government often becomes the purchaser and the estates are transferred to it on a nominal valuation of one rupee or some other inconsiderable sum. Thus the Zemindar is deprived of his possessions and his estates come under what is termed the khash management. Every inundation, every drought, the harassing effects of the resumption operations, rendered still more annoying by the zealous activity of the special Deputy Collectors, and a variety of other causes, contribute to transfer the estates from the Zemindars to the Government." Calcutta Monthly Journal for 1837, p. 189.

" But it is also to be remembered that though many Zemindars are wealthy, still the landlord class, as a whole, is far from being rich, and by many authorities is believed to be for the most part really poor. They have numerous relations and retainers wholly dependent on them. The joint undivided family system, and many social usages, compel them to incur heavy expenses not obvious to ordinary European observers." Bengal Administration Report, 1874-75.

" The land-revenue is Rs. 3,69,94,283, and the entire valuation of estates as ascertained by road-cess returns is Rs. 13,11,68,432. It has been contended that the whole of the difference

(more than nine crores of rupees) is enjoyed by the Zemindars "who still cry for more." It should be borne in mind, however, that road-cess valuations include assets of revenue-free and rent-free lands, and also the assets of a large number of ryots (being all ryots who pay a yearly rent of Rs. 100 and upwards, and whose number is estimated by Mr. Justice Cunningham at 25,000) in excess of rent. If these large items be excluded, if a proper allowance be made for collection and inevitable law charges, and if the number of landholders and middlemen of different grades be taken into calculation, the landholder's share of the profits will be found to be not enormous. It is, however, necessary, that we should have some idea of the reputed wealth of landholders, and I shall try to give it by the following figures taken from the last Administration Report :—

	Rs.
Total amount value of Estates	13,11,68,432
Deduct Revenue	3,69,94,283
	9,41,74,149
Deduct Road and Public Work cess	58,85,884
	8,82,88,265
Deduct collection charges at 6 per cent	78,70,105
	8,04,18,160

The assets of revenue-free, and rent-free holdings should be deducted from this sum; but even without making these deductions, and without taking into account inevitable law charges (and it may be added, without taking into account inevitable calamities of season), the above sum

when distributed over 242,246 estates, and 1,099,642 tenures, gives an average profit of less than Rs. 62 per annum to each holder of an estate or tenure." Calcutta Review, 1883.

" In Orissa 6303 Zemindars out of 6525 pay an average revenue of Rs. 172 per estate. In Orissa ⅓ of the revenue is the Zemindar's share of the profit; it comes to Rs. 57 a year. In Chittagong there are 43,585 estates yielding a revenue of Rs. 7,72,142 or an average of Rs. 17-12as. for each estate. In Sylhet there are 77,226 estates with an average revenue of Rs.5-8as. 1p. each." Bengal Administration Report.

" It was under Lord Mayo's Government that the question came up for final consideration. The Bengal Government made a strong protest against the imposition of the proposed cess on the Zemindars with whom a Permanent Settlement had been made in 1793. The Government pointed out that the increased profits from extended cultivation did not benefit the Zemindars, but benefited a large class of subtenants and the cultivators themselves; that estates had changed hands, and new purchasers had paid their present values; that James Wilson the Finance Minister, and Sir Barnes Peacock, Chief Justice of Bengal, had considered special cesses on the soil in Bengal to be a violation of the Permanent Settlement; that Bengal paid a higher proportion of her revenues to the Imperial Exchequer than any other province; Letter to Government of India dated 30th April, 1869." R. C. Dutt's India in the Victorian Age p. 389.

" I have come reluctantly to the conclusion, after many struggles and attempts to draw fine

distinctions in support of a different view, that the language and acts of Lord Cornwallis, and of the members of Government of his day, were so distinct, solemn, and unambiguous, that it should be a direct violation of British faith to impose special taxes in the manner proposed." Sir Erskine Perry, Member of Secretary of State's Council. Ibid. 391.

" In 1854, Lord Dalhousie, a man of no weak will, was most desirous to impose a local tax in Bengal for the maintenance of an improved police; but after reading Sir Barnes Peacock's masterly exposition of the pledges which Government had entered into in 1791-93, the great proconsul was compelled to accede to the soundness of the Chief Justice's argument, and most reluctantly abandoned his projects." R. C. Dutt's India of the Victorian Age p. 391 Ibid. 391.

Sir Frederic Currie admitted the unsatisfactory state of the Indian Finance ; it was a cogent reason he said, for retrenchment and economy; "but it can not justify our laying a special tax exclusively on the Zemindars of Bengal, to do which, Sir Erskine Perry's paper shows conclusively, would be a breach of faith and the violation of the positive statutory engagement made with these Zemindars at the Permanent Settlement." R. C. Dutt's India of the Victorian Age p. 393.

Sir Henry Montogomery said; " A Government should not, in my opinion, voluntarily place itself in a position laying it open to be charged with a breach of faith." Member of the Secretary of State's Council, Ibid, 393.

" I have never felt so deeply grieved and

disappointed at a decision given in opposition to my expressed opinions as when it was determined, by a casting vote, to approve and forward the Despatch referred to, at the head of this paper, for I regard the principles laid down in that Despatch to be erroneous, and the avowal of them to be unwise ; while the policy inaugurated and the measures sanctioned will, if attempted to be carried out, alienate the entire population of India from the Government, and shake the confidence hitherto felt universally in its honesty and good faith." Sir Henry Thoby Principle. Ibid 393.

The Zemindars remonstrated strongly.....they pleaded the distinct and solemn promises of the Permanent Settlement of 1792, when Lord Cornwallis had exahusted the resources of language to assure them that the rate then assessed on their lands was 'irrevocably fixed for ever,' and that they should in all future time be free from 'any further demand for rent, tribute or any arbitrary exaction whatever.' These great national pledges, they urged, had been scrupulously adhered to in many financial difficulties, and under all changes of Government from Cornwallis to Canning and could not now be broken without a deliberate abandonment of plighted national faith. All the official persons of the Province who were consulted supported these remonstrances; and the Lieutenant-Governor of Bengal transmitted them to the Government of India, and enforced them with a powerful, and, as I think, unanswerable argument." Ibid, 395.

With reference to Lord Canning's recommendation for a Permanent Settlement of the land-

revenue all over India, Cononel Baird Smith observed in his report "No misapprehension can be greater than to suppose that the settlement of the Public demand on the land is only slightly, or as some say, not at all connected with the occurrence of famines. It lies, in reality, far nearer to the root of the matter, because of its intimate and vital relation to the every-day life of the people and to their growth towards prosperity or towards degradation than any such accessories as canals, or roads, or the like, important though these unquestionably, are."

Dewan Bahadur Raghunath Rao says, "Permanently settled Bengal has known no famines attended with loss of life." 'Madras and Bombay has lost millions of men.' Colebrook writing in 1808 protested against grasping at the highest land revenue. Bishop Heber writing in 1826 said, "The peasantry in British India are worse off than the subjects of Native Princes." Col. Briggs writing in 1830 said, "The land tax which absorbs the whole of the landlords' rent is unknown in Europe or Asia." "Land Revenue responsible for famines." Madras Mail, May, 1902.

"The famine in Orissa was occasioned by the pressure of taxation." Mr. Giddes's evidence before select committee.

"Colonel Baird Smith recommended a Permanent Settlement of the Land Revenue as a protection against the worst effects of future famines, and as a means of increasing the general revenue of the country with the general prosperity of the people. He recommended a Permanent Settlement of the land revenue."

"Entertaining the most earnest conviction that State interests and popular interests will be alike strengthened in an increasing ratio by the step, the first, and I believe, the most important remedial measure I have respectfully to submit for consideration is the expediency of fixing for ever the public demand on the land. There would be no real sacrifice, therefore, I believe, but, on the contrary, a marked increase of the public resources, from the creation of the increased private property to which, it is conceived that a Perpetual settlement of the public demand must lead." Report of August 1861. R. C. Dutt's India of the Victorian Age p. 273.

The Lieutenant Governor of the N. W. Provinces G. F. Edmonstone said, "I do not in the least doubt that the gradual and cautious concessions of a guarantee of permanency to the settlement of the land revenue in the North-Western Provinces, generally, will be productive of all the advantages which Colonel Baird Smith and Mr. Muir, in even greater detail, have depicted. Judging by the effect of settlements for long periods, it may be safely anticipated that the limitation of the Government demand in perpetuity will, in much larger degree, lead to the investment of capital in the land. The wealth of the agricultural classes will be increased. The prosperity of the country and the strength of the community will be augmented. Land will command a much higher price. The prospective loss which the Government will incur by relinquishing its share of the profits, arising from extended cultivation and improved productiveness, will be partly, if not wholly, com-

pensated by the indirect returns which would be derived from the increased wealth and prosperity of the country at large." Minute dated Decr. 21, 1861, Ibid p. 278.

Sir Bartle Frere supported the proposal. But the most significant support which Lord Canning received was from the Finance Member, Samual Lang: "If we give a Permanent Settlement as Mr. Beadon proposes, we lay the foundation for a state of society, not perhaps so easily managed, but far more varied and richer in elements of civilisation and progress. We shall have gradations of society: from the Native noblemen of large territorial possessions down, through the country gentleman of landed estates, to the independent yeoman, the small peasant proprietor, the large tenant with skill and capital on a long lease, the small tenant on a lease, the tenant-at-will, and, the day labourer." Ibid p. 281.

Sir John Lawrence strongly supported the policy of a Permanent Settlement: "I recommend a Permanent Settlement because I am persuaded that, however much the country has of late years improved, its resource will be still more rapidly developed by the limitation of the Government demand. Such a measure will still further encourage the investment of money in the land, and will give still greater security to the land revenue itself, which, in years of great calamity, occurring every now and then, has suffered largely, though the loss has been more or less of a temporary character." Ibid. p. 283.

Lord Canning's recommendation for a Permanent Settlement of the land revenue all over

India, made in 1862, was supported by Lord Lawrence, Sir Charles Wood, Earl-de-Grey, Lord Ripon and Sir Stafford Northcote; but it was rejected in 1883." R. C. Dutt's Economic History of India p. 396.

"The wealth and prosperity of Bengal have marvellously increased, increased beyond all precedent, under the Permanent Settlement. A great portion of this increase is due to the Zemindary body as a whole, and they have been very active and powerful factors in the development of this prosperity." Gazette of India, 20 October, 1823.

The question whether a Zemindar's profits from his land under the Permanent Settlement could be interfered with by Govt. was much discussed by the select committee of the House of Commons in connection with Mr. Harrington's Bill regarding resident ryots. A large number of witnesses were examined and the committee stated in their final Report that "unless the Govt. should either by public or private purchase, acquire the Zemindary tenure, it would, under the existing Regulations, be deemed a breach of faith, without the consent of the Zemindars to interfere directly between the Zemindars and ryots for the purpose of fixing the amount of land-tax demandable from the latter under the settlement of 1791-93." Parliamentary Blue Book, 1832, p. 82.

"We know, and respect the feelings of attachment with which the Natives of India regard the land inherited by them from their ancestors; and we desire to protect them all rights connected therewith, subject to the equitable demands of

the State: and we will that generally in framing and administering the Law, due regard be paid to the ancient Rights, Usages, and Customs of India." Queen Victoria's Proclamation, 4 Nov. 1858.

SETTLEMENT OF ESTATES UNDER ACT III OF 1904.*

The Hindu law of inheritance is peculiarly suited to the social and economic conditions of a country in which the state is entitled to a share in all inheritance, and even voluntary contributions are becoming transmuted to compulsory payments, in which joint family organisation forms an important element in its social structure and the idea of private property has always been governed by a sense of a certain right in the community. In these communal life comfort and wealth are the birth-right of every individual who earnestly strives to win them ; and it would seem that it is part of the design of our capricious goddess of Fortune to give most people their chance of attaining social position and riches and not to confine them to a few families. Restrictions to distribution of property by inheritance have gained ground in Bengal in two respects : (1) A rule of primo-geniture has grown by custom in a few families as regards the inheritance of vastly big properties and (2) within a certain sphere, originally very narrow but which has gradually extended itself we have acquired the right to make testamentary disposition of property. An attempt to restore the Bengal have to a strict conformity with the Dayabhaga would now be of too unsettling a character to be seriously contemplated. The community is, however,

* Reply to a letter from Mr. Secretary Birley.

quite satisfied with the Hindu law as administered a present and although we hear now and then of the disintigration of large estates effected by inheritance we ungrudgingly submit to it as one of the inevitable concomitants of our social structure. The committee appointed in 1910 are however quite correct in their conclusion that the ruin of old families is often due as much to extravagance and unprovidence as to the operation of the law of inheritance.

It is easy to see why the Bengal Settled Estates Act, 1904, has failed to be attractive to the general body of landholders. It suggests a distribution of a man's property after his death in a manner repugnant to the feelings of a Hindu parent, it involves an exposure of a man's money affairs with the risk of his application being rejected which is humiliating, it saddles the applicant with an initial expenditure which is in most cases deterrent, and it gives the applicant little more than what he could do without any expense, trouble or fuss by the exercise of his powers of testamentary disposition of his property. The defects can hardly be removed by a mere amendment of the Act. No body would be a loser if the Act were elimintated from the Statute Book.

As there is no demand in Bengal among landholders for a law enabling them to make permanent arrangements for the devolution of property for secular purposes the necessity of an exactment to that effect does not exist. An attempt to legislate in this respect would moreover be open to objections such as these :—

1. It would be opposed to the rules of inherit-

ance laid down in the Dayabhaga, and therefore *Ultra-vires* of the Legislature and a fruitful source of litigation. The principle has been recognised in several Parliamentary Statutes, viz., 13 George III Chap. 63 sec. 28, 21 Georg III Chap. 70, 3 & 4 Will IV Chap. 85, Sec. 52, 16 & 17 Vic. Chap. 95, secs. 28, 24 & 25 Vic. Chap. 63 Sec. 22. These were reproduced in Indian Regulation 4 of 1793, Sec. 15, which provides that " In suits regarding succession, inheritance, marriage, caste and all religious usages and institutions, the Mahamedan laws with respect to Mahamedans and Hindu laws with regard to Hindus are to be considered as the general rules by which the judges are to form their decisions."

2. It would be repugnant to the growing communistic and democratic ideas of the people and it would perpetuate the injustice of segregating big private properties at the sacrifice of social interests.

3. It would circumscribe the enjoyment of one's property and restrict one's power of free disposal of one's property.

4. Dreams of inheritance of big properties would exercise an unwholesome influence on young men's culture, habits and character and encourage unprovidence and extravagance.

5. It would demoralise a people by investing a fictitious value on riches at the sacrifice of those higher ideals of life which they have been taught by their Shastras, their traditions and their civilisation to look up to for guidance in life. This feeling was recognised by our Rulers so long ago as 1793 when it was stated in sec. 1 Regulation XI of that year that " A custom, originating in

considerations of financial convenience, was established in these provinces under the Native Administration, according to which some of the most extensive Zemindaries are not liable to division. Upon the death of the proprietor of one of these estates, it devolves entire to the eldest son or next heir of the deceased, to the exclusion of all other sons or relations. This custom is repugnant both to the Hindu and Mohamedan laws, which annex to primogeniture no exclusive right of succession to landed property, and consequently sub-versive of the rights of these individuals who would be entitled to a share of the estates in question, were the established laws of inheritance allowed to operate with regard to them as well as all other estates.

We would be doing an injustice to ourselves if we looked to the rule of primogeniture which prevails in England and Scotland as a model for imitation. There the rule developed under the Fuedal System after the Norman conquest more in the interest of the sovereign than in that of the private proprietor of estates, but in spite of the length of time during which it has governed the inheritance to large estates in cases of intestacy it has not succeeded in securing general approval. Gibbon described it as "that insolent prerogative of primogeniture," and Dr. Johnson saw in it no good excepting "that is made only one fool in the family."

MR. MONTAGUE'S CONSTITUTIONAL REFORM, 1918.*

To those who have studied the history of B. I. Administration the attitude of England in regard to Indian aspirations and demands have always appeared to be one of sympathy and a desire to help future developments. The sentence "We are seeking to make the Indian people self governing" occur in several places in the Report on Indian Constitutional Reforms which we have met to consider. There is ample evidence of the conviction of the framers of the Report that popular rule is a greater thing than the rule by officials, and of their inclination to help the aspirations of a politically awakened people. Instead therefore of encountering anything like hostility we can count upon the whole hearted sympathy and sincere co-operation of the English people and of the Government in regard to the measures foreshadowed in the Report. Those measures have already received the approval of the British House of Commons. A great endeavour has been made towards giving India a large measure of self-Government and to lead her safely on the path to democracy and representative Government. We could do no better than confide in the wisdom of the two eminent statesmen who have framed the Report. They have taken care not to grant political institutions

* Extract from a Speech delivered at a meeting of the British Indian Association.

to the People of India at so rapid a pace as England has forced political ideas upon them. The difficulties in the way of giving the people of India a full measure of responsible Government are not inconsiderable. There are in India eighty races speaking as many different languages and following more than a hundred different forms of religion, but among them there is no unity and hardly any solidarity. Many of the peoples are as much alien to one another as the English are to them. India is not now what it was a century ago. Even dumb people have begun to speak, and even the Nomasudra classes are vigorously asserting their rights. The unifying power of the English language is a delusion. Even in the West the English language is being ousted by local vernaculars. Thoughtful men naturally dread the disasters which follow a period of transition from official to popular rule, and welcome the scheme embodied in the Report as a substantial advance towards self Government full of future promise and hope. And we should bear in mind that the real reform of the Government of a country and the welfare of her people depend not so much upon the form of the Administration as on the gradual increase of self-Governing functions. It has been rightly observed in the Report, p. 74, that "the successful working of popular Government rests not so much on Statutes and written constitutions as on the gradual building up of conventions, customs and traditions." Now that a large measure of administrative power will be placed in our hands, let us, in the exercise of those powers, so conduct ourselves as to make the vast unutilised natural

resources of India, her inexhaustible resource of cheap labour and the skilled industry of some of her races a means for adding to the happiness and prosperity of our countrymen.

PRIMARY EDUCATION, 1918.*

I have the honour to submit the following remarks regarding the Bengal Primary Education Bill.

In the interests of the Government and of the public Primary Education should be confined only to reading, writing and arithmetic, and the time devoted to such training should not exceed two years. The indigenous Patshala system aimed at no more and it was in every respect satisfactory. It neither encroached upon the time of the boys for work in their ancestral occupations nor gave them ideas of an expensive and higher plane of living. There are M. E. and Secondary schools enough where well-to-do parents and guardians may send their boys for education of a more literary character to train them for gentlemanly occupations. Nothing could be more unwise and dangerous than to sow broadcast ambitious ideas of refined living and future greatness in the minds of the sons of the poor. It is at the root of the discontent and anarchism in Bengal. Thoughtful men look with dismay at the number of boys who go up for the Matriculation Examination. Last year the number exceeded 18000. Lord Morley truly said to his audience at Edinburgh or Aberdeen that the most sensible thing which a parent or guardian could do is to send his boy as soon as he is 10 or 11 years old, to be apprenticed in some

* Letter to the Magistrate of Hooghly.

industry which is to be his means of livelihood in life.

I now come to the sections of the Bill.

Sec. 2 (6)—I would have only one book read by the boy during the two years to which I suggest his school study should be limited; I mean our classic book, the "Shishubodh." It contains besides the alphabet, easy lessons, and arithmetical tables, a few moral tales mythological stories and Chanakya's aphoristic slokes. The price of the number of books which little boys even in the lowest form have to pay at present is a standing grievance. I desire to mention in this connection that in 7275 out of 19127 primary schools in England in 1916 "undenominational Bible teaching only is given."

Sec. 7—There should not be more than two members in each school committee, which in most cases should be hardly necessary, and the provision for the Deputy Inspector or Sub-Inspector being a member of the committee would be in addition to being an useless source of expenditure the introduction of an official element which is sure to wake adverse criticism and raise a storm of controversy. It would be enough if each school is inspected once in 3 or 4 months.

Sec. 17—This would be highly objectionable. The impostion of a tax with its auxiliary provisions for assessment, revision, recovery, execution processes &c., involve such an amount of trained work that a school committee composed of ignorant men should not be entrusted with it. The public has a right to expect that the whole cost should be met from the public revenues. In England I find the Parliamentary grant for

Elementary Education was £11.761.036 in 1915. But the strongest objection to the proposed measure is that it would be a great injury done to the landholders. The Road Cess and the P. W. Cess curtail the rent-roll of the landholders by 6¼ p. c. and although half of it has to be paid by the ryots,—landholders have to pay a portion of that too on account of deaths, desertion and default. At any rate the burden thus thrown upon the ryots has effectively prevented all enhancement of rent. The proposed tax would add to the difficulties of the ryots and the landholders.



THE RÂJA IN HIS OLD AGE. (*in 1918*).

AGRICULTURAL EXHIBITIONS, 1919.*

The Hooghly Agricultural Exhibitions held annually have not hitherto served any useful purpose, altho' they cost nearly Rs. 8000 every year. They serve merely to entertain for a week the officers, pleaders, muktears and people at the Sudder Station with theatrical and bioscopic performances and other entertainments.

Instead of creating a large pandal and paying large sums of money to caterers of amusements the money could be much more profitably spent in the following objects.

1. Buying land at different centres for grazing grounds.

2. Helping ryots with loans of money or subsidising their effects to excavate irrigation tanks and to sink wells.

3. To supply cultivators with superior cotton and jute seeds.

4. To supply cultivators with different kinds of seed for fodder grass.

5. To encourage the cultivation of indigenous drugs and to give prizes for the best collections.

6. To give loans or gifts of moneys to weavers for buying weaving plants and yarn.

7. To encourage the making of cheap pottery.

8. To encourage the making of cheap agricultural implements.

* A memo handed over to the Magistrate of Hooghly.

আমার দীর্ঘায়ু লাভের কারণ।

পিতা মাতার পবিত্র শরীর ও শাস্ত্রানুসারে বিশুদ্ধ আচার ব্যবহার আমার দীর্ঘায়ু লাভের প্রধান কারণ মনে করি।

দন্তধাবন—৪০ বৎসর বয়সের পূর্ব্বে কথনও গুল গুঁড়া কথনও খড়ি মাটীর গুঁড়া দিয়া দন্তধাবন করিতাম। তাহার পর হইতে এখন পর্য্যন্ত মাটীর গুঁড়া, সৈন্ধব লবণ, শুঁঠ, পিপুল, মরিচ, তেজপাত, লোধ ও মুথার গুঁড়া সমান ভাগে মিশাইয়া এই গুঁড়া দিয়া দন্তধাবন করি। এখন পর্য্যন্ত দাঁত ভালই আছে।

তৈল মর্দ্দন—স্থির নিয়ম কিছু নাই, তবে প্রতিদিন যথেষ্ট পরিমাণে তৈল মাখি। বর্ষা ও হেমন্ত কালে কুব্জ প্রসারিণী এবং অপর ঋতুতে কটু তৈলে প্রস্তুত সৈন্ধবাদ্য তৈল মাখি। আমি কথনও সাবান ব্যবহার করি নাই।

স্নান—৬০ বৎসর বয়স পর্য্যন্ত প্রতিদিন অবগাহন স্নান করিয়াছিলাম এক্ষণে তোলা জলে স্নান করিয়া থাকি। জীবনে কথনও গরম জলে স্নান করি নাই।

আহার—৪০ বৎসর বয়স পর্য্যন্ত বেলা ১০টা কি ১০½ টার সময় গৃহস্থ লোকের ন্যায় সাদাসিধা অন্নাহার করিতাম। বেলা ২।৩ টার সময় কচুরি, সন্দেশ, ইত্যাদি জল খাবার খাইতাম। মাসের মধ্যে ৭।৮ দিন ছাগ মাংস ভোজন করি, প্রতি মাসেই এই নিয়ম। উপস্থিত মৎস্য ভোজন প্রায় ত্যাগ করিয়াছি; মাসের

আয়ুর্ব্বেদ পত্রিকায় ১৩২০ সালে প্রকাশিত।

মধ্যে ২।৪ দিন খাইয়া থাকি। গত বৎসর হইতে রাত্রে কেবল ২।৩ খানি রুটী বা খই খাইতেছি। ফলের মধ্যে রম্ভা, পেঁপে, আম্র, লিচু, শাঁকালু, কচিশশা, বাদাম, পেস্তা ও কিসমিস সর্ব্বদাই খাইয়া থাকি। এ সকল আহারের সঙ্গেই খাইয়া থাকি। ২০ বৎসর হইতে ৬০ বৎসর বয়স পর্য্যন্ত আমার বোধ হয় এক দিনের জন্যও উপবাস করিতে হয় নাই বা কখনও কোন অসুখ হয় নাই। আমার সকল রসের দ্রব্যই ভাল লাগে, তবে মিষ্ট দ্রব্য অধিক খাইতে পারি না। ১০½ টার পূর্ব্বে আমি কিছু খাইনা।

পানীয়—বরাবর গঙ্গাজল পরিষ্কার করিয়া পান করিতাম, কিন্তু বর্ত্তমানে "সেপ্‌টিক্ ট্যাঙ্ক" হওয়ার পর আর গঙ্গাজল পান করি নাই, পুষ্করিণীর জল পান করিতেছি। আমি জীবনে কখনও বরফ বা চা পান করি নাই।

নিদ্রা—পাঠ্যাবস্থায় পরীক্ষা দিবার ২।৩ মাস পূর্ব্বে কেবল ৫ঘণ্টা নিদ্রা যাইতাম; মনে করিতাম যাহারা মনের সাধে নিদ্রা যায় তাহারা কি সুখী। অপর সময় ৭।৮ ঘণ্টা নিদ্রা যাইতাম। ৩০ বৎসর হইতে রাত্রি ৩ টার সময় শয্যা ত্যাগের নিয়ম করিয়াছি। জীবনে দিবসে কখনও নিদ্রা যাই নাই। শয়ন গৃহ ও শয্যা—সমস্ত বৎসর আমার শয়ন গৃহের ১টী কি ২টি জানালা খোলা থাকে। শীতকালে লেপে মুখ কখনও ঢাকিতে পারি না। কখনও গদিদেওয়া কেদারায় বসি নাই। ৫০ বৎসর পূর্ব্বে কখনও মশারি ব্যবহার করি নাই।

পরিচ্ছদ—শীত, গ্রীষ্ম উভয় ঋতুতেই আমি শীত ও গ্রীষ্ম সাধারণ লোক অপেক্ষা বেশী অনুভব করি। তজ্জন্য শীতকালে গায়ের

উপরে ফ্লানেলের জামা অথবা উলের গেঞ্জি ২।৩ মাস পরিয়া থাকি। আমি সাদাসিধা ও পরিষ্কার পরিচ্ছন্ন পরিচ্ছদের পক্ষপাতী। আমি জীবনে কখনও ছাতি ব্যবহার করি নাই।

ব্যায়াম—৬০ বৎসর বয়স পর্য্যন্ত প্রতিদিন দুই বেলা অশ্বারোহণ করিতাম। সম্প্রতি প্রাতেঃ ও অপরাহ্নে আধ ঘণ্টা করিয়া গাড়ীতে বেড়াই।

বিষয় কর্ম্ম ও অধ্যয়ন—স্নান আহারের সময় বাদে সকল সময় বিষয়কর্ম্ম কিম্বা পুস্তক পাঠ করি। শরীর সুস্থ রাখিবার নিয়ম ১৬।১৭ বৎসর হইতে এখন পর্য্যন্ত সর্ব্বদা পাঠ করি ও ঐ সকল নিয়ম প্রতিপালন করিতে চেষ্টা করি। মানসিক অথবা শারীরিক কার্য্যে সর্ব্বদা ব্যাপৃত থাকি। সকল বিষয়েরই পুস্তক পড়িয়া থাকি তবে গত ২।৩ বৎসর মধ্যে শরীর ও চিকীৎসা বিষয়ক পুস্তকই অধিক পড়িতেছি। ১৩।১৪ বৎসর বয়স পর্য্যন্ত পড়া শুনায় তাচ্ছল্য করিতাম, তাহার পর স্কুল ও কলেজের পড়ার উপর ২।৩ ঘণ্টা মাত্র পড়িতাম। কিন্তু পরীক্ষা দিবার পূর্ব্বে ২।৩ মাস ১৫ হইতে ১৮ ঘণ্টা পড়িতাম। শেষ রাত্রে ৩ টার সময় উঠিয়া প্রাতেঃকাল পর্য্যন্ত লেখা পড়ার কার্য্য করি। প্রত্যহ রাত্রি ৩টার সময় শয্যা ত্যাগ করিয়া আমি আমার ইংরাজী চিঠি পত্র ও অপর আবশ্যকীয় কাজ করি। অধিক কাজ না থাকিলে পুস্তক পাঠ করি।

ঔষধ—২০ বৎসর হইতে ৬০ বৎসর বয়স পর্য্যন্ত ও পরে আবশ্যক হইলে হোমিওপ্যাথিক ঔষধ সেবন করিতাম। গত—১০।১২ বৎসর হোমিওপ্যাথিক ঔষধ ভিন্ন, কবিরাজী ঔষধও খাইতেছি। প্রতি বৎসর ৩০।৪০ দিন ছাগলাদ্য ঘৃত ১ তোলা

কি ১২ তোলা সেবন করি। পূর্ব্বে বলিয়াছি প্রাতেঃ ১০২ টার পূর্ব্বে কিছু খাই না, কিন্তু যখন ছাগলাগু ঘৃত সেবন করি তখন প্রাতেঃ ঘৃতের সহিত অর্দ্ধপোয়া গব্য দুগ্ধ পান করিয়া থাকি। বাল্যকাল হইতে কোষ্ঠ কাঠিণ্য আছে। প্রথম বয়সে তজ্জন্য হলওয়ের পিল ২।৩ বৎসর খাইয়াছিলাম। তাহার পর ৫।৭ বৎসর কোন রেচক ঔষধ খাই নাই, এক্ষণে প্রায় ৪০ বৎসর হইল ঋতু হরিতকী খাইতেছি। চক্ষুরোগাধিকারে যে ভৃঙ্গরাজ তৈল আছে ১০।১২ বৎসর হইতে প্রতি সপ্তাহে ৩।৪ দিন ঐ তৈলের নস্য লইয়া থাকি। অধিক লেখা পড়ার পর চক্ষুর কষ্ট হইলে নির্ম্মলী ফল মধুতে ঘষিয়া তাহাতে ভীমসেন কর্পূর দিয়া তাহা চক্ষুতে দিয়া থাকি। এমনিও প্রায় চক্ষুতে দিয়া থাকি।

বিশেষ অভ্যাস—চুরুট ছাড়িবার জন্য সাজা তামাক ২।১ দিন খাইয়া দেখিয়াছি কিন্তু তলব নাই বলিয়া তাহা অভ্যস্ত হয় নাই। যতক্ষণ কার্য্যে নিযুক্ত থাকি ততক্ষণ ঘরের ভিতরে থাকি ; বাকি সময় বারাণ্ডায় ও ফাঁকা জায়গায় থাকিতে ও বসিয়া পড়িতে ভালবাসি।

শ্রম বিনোদন—ছোট ছোট ছেলে মেয়েদের লইয়া অবসর যাপন করি ও তাহাদিগকে সমবয়স্কের ন্যায় দেখি।

নীতি—মন ভাল না রাখিলে শরীর ভাল থাকে না। পিতার উপদেশ ও তাঁহার দৃষ্টান্ত অনুসারে সাংসারিক ঘটনায় অধিক আনন্দ বা দুঃখ করি না। কোন কার্য্য সম্পন্ন করিবার জন্য সম্পূর্ণ চেষ্টা করি, কিন্তু তাহাতে বিফল হইলে মনকে কষ্ট দিই না। সাংসারিক ঘটনা সকল আমাদের মঙ্গলের জন্য ঘটিয়া থাকে—

এইরূপ দৃঢ় বিশ্বাস করিয়া মনকে সর্ব্বদা সুখে রাখি। কাহারও সুখে হিংসা করি না এবং দুঃখে আনন্দ করি না।

ধর্ম্মাচরণ—জীবনের সমস্ত কার্য্যেই ধর্ম্মানুশীলন করিয়া থাকি প্রকাশ্য আহ্নিক কার্য্যে সামান্য সময় ক্ষেপন করি। আমার বাত পৈত্তিকের ধাত। তবে প্রায় এক বৎসর দেড় বৎসর হইতে দেখিতেছি পূর্ব্বাপেক্ষা মধ্যে মধ্যে শ্লেষ্মার বৃদ্ধি হইয়া থাকে।

পীড়ার হেতু—যে কোন শারীরিক কষ্ট পাইয়াছি আমার বিশ্বাস তাহার কারণ ২২ বৎসর হইতে এ পর্য্যন্ত চুরুট খাওয়া এবং ঔষধের প্রতি অধিক নির্ভর করিয়া মধ্যে মধ্যে অতি ভোজন।